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the ALTERNATIVE: AN AMERICAN SPECTATOR

An Innocent Ensnared

John Chamberlain on Charles Lindbergh

Harry Schwartz: The Feds and the Blahs

Anne Crutcher: Simone Weil, the Red Virgin

Karl O'Lessker: Hayek's Murky "Mirage"

Ernest van den Haag: Punishment Pays

David Lowenthal: A Reply on Church and State

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THE CONTINUING CRISIS

■ March 20 to April 15, and on goes the American Renaissance. At the 49th Academy Awards presentation there was not a dry eye in the house when Miss Jane Fonda heaped encomiums and hogwash on Miss Lillian Hellman, the unscotchable spirit who once stood alone against the horror of the 1950s and for virtue, art, Joe Stalin, and her $140,000-a-year Hollywood salary. *Applause*, *applause*, and onto the stage lumbers old Lillian, wheezing, coughing, and flashing her famous leer. Americans have no sense of the past, she has opined, and how she and Miss Fonda are trying to make the most of it!

■ On April 8, Good Friday, the Maryland legislature passed its revised death penalty bill. A Torrington, Wyoming truck driver, Mr. Leo Froelich, was fined $250 for throwing a thirty-pound dog at a Ft. Laramie, Wyoming mixologist. A male go-go dancer, transported by his art, was arrested when he sank his teeth into the gluteus maximus of a female patron, causing bloodshed in a San Francisco pleasure palace. And the editors of *The Alternative* magazine did their part to revive the cultural splendors of the 1960s when they invited Field Marshal Idi Amin Dada to review the autobiography of Lester Maddox. As of this writing no reply has been forthcoming, but then His Excellency has been preoccupied with an extensive law and order campaign. On April 3 his soldiers captured a gang of coffee smugglers, covered them with precious gasoline, and burnt them alive in a promising experiment to lower the recidivism rate in Mr. Amin's Third World Utopia.

■ After five and one-half years of ingratiating mellowness the Soviets are again scowling. All the international sweetness that the Nixon-Ford Administration cultivated lies imperiled, owing to Mr. Carter's fussy insistence that the Soviets honor previous treaty obligations, namely obligations incurred when they signed the Helsinki accord on human rights. Not only that but detente, that policy that has recently brought the greatest good to the greatest number of Cambodians, Laotians, Vietnamese, and Angolans, has now been brought low.

■ All this became apparent to every observer except Mr. Cyrus Vance on March 29 when Soviet Party Chief Leonid Brezhnev failed to attend the Bolshoi Ballet with him. Instead Foreign Minister Andrei Gromyko showed up. How grave a slight this was dawned on Mr. Vance only half-way through the performance, when he noticed that the Foreign Minister was continually elbowing him off their armrest and squeezing his knee every time an unusually bulbous ballerina was launched onto the stage. From this point on, the spirits of the American delegation declined rapidly, and it helped not at all when at intermission some of Mr. Vance's junior aides were denied buttered popcorn.

■ The next day was a disaster. Meeting in the Kremlin conference room that once served as a "study" for the late Mr. V.I. Lenin, Mr. Vance almost caught frostbite from Mr. Brezhnev's greeting. When Mr. Vance delineated the American arms limitation proposal Mr. Brezhnev retorted negatively with a picturesque Russian expression that translates roughly as "so long sucker" and stomped from the room, leaving Mr. Gromyko to explain that Mr. Carter's human rights activities had damaged "the political atmosphere for discussion of other issues"—for instance fresh new ways of further weakening our defense posture vis-a-vis the Russians or ways in which our obsolete economy might rescue the socialist state from rigor mortis.

■ Why the Carter Administration is demanding that the sophisticated Soviets live by their treaty obligations perplexes seasoned Washington pundits, many of whom ascribe it to his ignorance of recent diplomatic custom. Yet others point out that any man fresh from a two-year campaign for the Presidency should be eminently qualified to deal with the Soviets, adept as a Presidential candidate must be in dissimulation, blatant contradiction, and the art of welching on almost any agreement.

■ UN Ambassador Andrew Young has been quick to take advantage of another opportunity to make a fool of himself, much to the relish of a swelling audience of admirers in saloons all around the country. Fresh from marinating himself in the dubious wisdom of Mr. Alex Haley's *Roots*, Mr. Young stumbled into a BBC studio on April 6 and suavely jibbered that Britain "invented racism," was "a little chicken" on racial matters, and as responsible as Idi Amin "for the death and bloodshed that we have in Uganda." It was a capital performance, made all the more entertaining by a dreadful flaying he subsequently received at the hand of Britain's Ambassador to the glass zoo on the East River, Mr. Ivor Richard, and by a fatuous apology they both settled on. A botulism outbreak at a Mexican restaurant in Pontiac, Michigan, described as one of the worst in American history, provided vast amusement for millions of Americans, exposed for the first time to Mrs. Ursula Schweitzer. Mrs. Schweitzer is the nauseous housewife who from her sickbed exclaimed, "The food was delicious. I think what I'll do is just get the recipe and make it at home."

■ The nation's pederasts were miffed by that Illinois supreme court ruling that allows prison escapees to cite "homosexual attacks" as a defense for flight. From Marquette Prison in Michigan comes word that 52 prisoners, all zealots of the Universal Life Church, have filed a $110,000 suit against the state for being denied the right to hold religious pizza parties in the church chapel. And from Lansing, Michigan come reports that the Little Red Barn Theatre, a very toney source of adult entertainment, has been denied a license to have live entertainment by Michigan's Barrier Free Design Board, on grounds that the theatre's stage lacks the duly required ramps and special toilet facilities for handicapped performers.

■ Despite claims that he was "feeding the people," police jugged a naked 23-year-old Janesville, Wisconsin youth when unbeknownst to the driver he was spotted heaving sides of beef from the back of a speeding truck. Suggestive of how far we have fallen from the enlightened era of the Warren Court is the conviction of Mr. Filbert Moorer, the Colorado burglar whose daring raid on a packing house netted him 1,200 worthless cattle rectums. Claiming that the arresting officers made cruel sport of him when they caught him midst all those bovine anuses, Mr. Moorer tried to demonstrate how their uproarious laughter clashed with the spirit of the Miranda decision, only to be greeted by a round of chortles and a thumping denunciation from the judge who found the poor Mr. Moorer "preposterous and without humor." Finally, Mr. Antonino Rocca, the well-loved barefoot wrestler, who insisted that having found the "secret to life" he would live to be 150, apparently lost it. He died in New York City of a urinary tract infection.

■ The post-Watergate morality has spread to Israel and brought about the retirement of Israeli Prime Minister Yitzhak Rabin. Germany's Baader-Meinhof gang has rid the country of yet another public servant. The political future of one of the world's most bilious women, Mrs. Indira Gandhi, was cast into question when she was bounced from office in one of the most thorough political trouncings in history. According to the redoubtable Albanian News Service, millions of Albanians went to the polls "singing and dancing." What happened to those who failed to dance was not reported. Italy's most wanted criminal, Mr. Renato Vallanzasca, a reputed murderer who claimed to be irresistible to women and who pledged never to be taken alive, was befuddled by a tear gas cannister and turned over to the *Carabinieri*. And one of the sourest men in Randolph, New Jersey, Mr. Herbert H. Rosen, is suing American Airlines for the mental distress he suffered when an airline pilot barged in on him as he was "sitting on the toilet in the privacy of the locked lavatory, trousers and undergarments lowered" during a flight from Newark to Puerto Rico.

■ Harcourt Brace Jovanovich has published that fifteen-year correspondence between Congressman Jerome Waldie and the indefatigable Mr. Nestle J. Frobish, chairman of the World-wide Fair Play for Frogs Committee. It is a publishing event of the first water. If the vigilant citizen believes that the Rt. Hon. Waldie presented a threat merely to *Homo sapiens* during these years then he is urged to read this book, for it chillingly exposes the maniacal designs this powerful solon ever so cunningly advanced to harass and destroy an entire species of amphibian, *Rana catesbeiana*. Yet not once did Jane Fonda or any of the Hollywood intellects speak out, an omission that might well be atoned for at the 50th Academy Awards presentation if only Miss Fonda will read this book. —*RET*

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EDITORIAL
R. Emmett Tyrrell, Jr.

A World Without Russians

For a decade or so now there has been a growing crowd of foreign policy strategists calling for revolutionary departures in American diplomacy. Dissatisfied with this orb as it is, they call for unilateral arms limitation, a new economic world order, lamb chops for the world's poorest billion people, and other such enlightened policies. With a new administration in Washington these strategists have been full of hope that their hour is at hand, and with the appointment to the National Security Council of men like David Aaron and Robert Hunter or to the State Department of men like Leslie Gelb and Anthony Lake there is some reason to fear that it is. Succinctly put their argument runs that today's world of international relations is extraordinarily different from the past. Balance-of-power diplomacy has been replaced by a new consciousness among nations, a new desire for egalitarianism, for justice, and for political expression. The world will no longer yield to force of arms; aspirations amongst emerging peoples are too high. To be sure this is all moonshine, but it is a brand of moonshine especially fetching to modern sophisticated pols attuned to brilliance and void of intelligence.

The fact is that these supposedly obstinate and untoward world conditions will fade into the sunset on the very day that the American State Department is rid of the chief problem confronting it for 32 wearying years, to wit, the tireless mischief of the Soviet Union. Furthermore on the day the Soviet Union retires as the world's number one nuisance there will also be a precipitous decline in international terror, violent instability, and international crisis. Throughout the last three decades I cannot think of one threat to world peace that would not have paled into, at worst, a regional altercation, were it not for the eager presence of the Soviet Union or one of its clients. Nor would international terrorism, hijackings, kidnappings, and other assorted barbarities peculiar to our time be such vexed questions were it not for the Soviet Union, the world's arsenal of anarchy.

How well such assertions go down with those who prescribe dramatic new directions in American foreign policy one can only guess, but my guess is that they find such assertions horrible to behold. *Simplistic*, they will protest. *Cold War rhetoric*, they will hiss. Yet I remain unstung and unstingable. As wars go, the Cold War was by far the most pleasurable ever fought. Over the years casualities have compared favorably with our highway death tolls, and the cost was a bargain. The only people who lost were those who now live with the Soviet heel at their throats, and if we are not beguiled by the jackasses who urge that we turn the Pentagon and the State Department into international counterparts of the Department of Health, Education and Welfare there still may be hope for those losers. What is more I believe that this most pleasurable of wars continues, though the Western governments act as if they ended it years ago through statesmanlike neglect. The war was fought for control of men's minds, and through the whole hallucination of detente the Soviets have never ceased from assuring the world that the war continues.

Papa Knows Best

Papa Brezhnev stated as much at Prague in 1973 when he notified the assembled thugs that "we are achieving with detente what our predecessors have been unable to achieve using the mailed fist." Full of progressive vision he went on to report that "We have been able to accomplish more in a short time with detente than was done for years pursuing a confrontation policy with NATO...Trust us, comrades, for by 1985, as a consequence of what we are now achieving with detente, we will have achieved most of our objectives in Western Europe. We will have consolidated our position. We will have improved our economy. And a decisive shift in the correlation of forces will be such that, come 1985, we will be able to extend our will wherever we need to." Curiously such eloquent statements of purpose rarely find their way into the American news media, and the above was reported only by the *Boston Globe* and *National Review*. Yet such statements are common fare in the USSR. On March 25, 1976 an intrepid *Pravda* correspondent, reporting from the very floor of the 25th CPSU Congress, reassured the world's bomb throwers that the brethren in convention assembled were "...absolutely clear that detente in no way abolishes nor can it abolish or change the laws of the class struggle." A month later Comrade Yuri Andropov, Politburo member and chief of the highly influential KGB, remarked at Lenin's 106th birthday party that "The CPSU considers allegiance to Leninism to be the indisputable law for its theoretical and practical activity....For the CPSU and for the proletarian revolutionaries throughout the world Leninism has been and remains the science and art of revolutionary creativity." It is a point on which all serious capitalists and votaries of Dr. Lenin can agree, even as the jejune foreign policy strategists scratch their noodles dreaming up imaginative alternatives to reality.

The Cold War continues. As the democratic side grows ever more passive, the appearance of the struggle changes, but the reality remains. The Soviets lurch on, devoted to their gloomy dreams. To borrow from the imagery of Senator Henry Jackson, the Soviets still prowl the corridors of the world looking for unlocked doors. In Southeast Asia we discovered how hard they will push those doors; in Africa we are seeing how fast they pounce when doors are left unlocked. What is more, no matter how fecklessly the Western democracies' pursuit of it might be, they will continue to pursue the same policy they have followed since the late forties, to wit containment. Even the celebrated policy of detente was from the West's point of view merely a variation of containment. It was admittedly an attempt at cheap containment—"containment without tears" as Robert W. Tucker described it in the March *Commentary*—but, unless Western leaders shared Papa Brezhnev's hopes for 1985, it was still containment.

One of the problems with detente (and with the policy departures of the New Era strategists) is that it overlooks the nature of Soviet foreign policy and ignores some essentials of democratic politics. The nature of Soviet foreign policy is inveterate hostility to democracy; essential to democratic politics are leadership and information. Notwithstanding Mr. Kissinger's aspirations to reduce international tensions, the American voters should have been apprised of the condition of those tensions. Obviously the Superpowers speak to each other in euphemisms and dissimulations, but apparently only the United States has spoken exclusively in such inaccurate terms. It is ironic that Papa Brezhnev has felt constrained to inform the average Ivan of his goals of world domination though he governs a despotism; while American leaders have felt no such constraint, though they govern a democracy supposedly sustained by an informed citizenry. If the American citizenry is sluggish in supporting military appropriations in the aftermath of Secretary Vance's fruitless Moscow journey it should come as no surprise. The unlovely nature of the Soviet bully has been denied by Western governments for nearly a decade, years during which military expenditures were scowled at by an increasingly populous mob of otherwise profligate pols.

During these years our leaders have

(*continued on page 36*)

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John Chamberlain

There Was Only One Lindbergh

Daring aviator, devoted conservationist, and convinced democrat, Charles Lindbergh was not a disloyal "dual personality" as some biographers allege.

In May 1967, on the fortieth anniversary of his famous New York-to-Paris flight in a single-engine Ryan monoplane, *The Spirit of St. Louis*, Charles A. Lindbergh took himself discreetly out of the country. While diners, including his old reporter friends Deke Lyman of the *Times* and Carl Allen of the *Herald-Tribune*, were cheering his name at a dinner on Long Island near the shopping center that was once Roosevelt Field, Lindbergh was busy searching for a menaced breed of rhinoceros in Indonesia. To him, the first continent-to-continent trans-Atlantic flight was an old story. He had written two books about it—and, as his one decent biographer Walter Ross quotes him, "it's not that era any more, and I'm not that boy."

As a matter of fact, Lindbergh had become disenchanted with what had happened to flying even before 1967. At a *truite au bleu* dinner in the mountains near his home in Vaud, Switzerland, in 1961, he remarked to friends that he had more fun exploring for the sources of the Rhone River in a Volkswagen than he did flying a jet. He missed the old seat-of-the-pants cross-country flying. He had advised his son Jon, a deep sea diver who had been trained as a Navy Frogman, to try something more challenging than aviation, which had become "too automatic, too push-button."

So what would Charles Lindbergh, if he had lived, have had to say about the massive preparations for celebrating, this coming May 20-21, the fiftieth anniversary of his 1927 exploit?

One cannot be sure. The Charles A. Lindbergh Fund Committee, which hopes to raise $5 million for a Memorial Endowment Fund, is headed by estimable men—James A. Doolittle, who led the first bombing raid on Tokyo, and Neil A. Armstrong, the first person to walk on the moon—whose characters Lindbergh had always admired. The purpose of the Fund, to provide fellowships in the fields of aviation, aerospace technology, conservation, wildlife preservation and exploration, would surely satisfy Lindbergh's protean soul. But one of the means originally suggested to entice six-figure donors would surely have sent him looking for other rare rhinoceri as far from New York as he could get: the proposal to stage a *Spirit of St. Louis II* commemorative flight in five or six hours in a comfortable Pan American Boeing 747 along the same great circle route that Lindbergh pioneered, in the original *Spirit*, in thirty-three-and-one-half wracking hours.

The trouble Charles Lindbergh had in behaving as a public figure is that he despised the role in the first place. As he once explained to a fellow flyer, he couldn't stand being pawed. His revulsion to the demands of fame quarrelled inevitably with his sense of duty, explaining the "now you see him, now you don't" pattern of his life. He couldn't dodge the spotlight when his first child was kidnapped and murdered, but when tabloid news photographers persisted in running a teacher's car off the road in order to get a picture of his second son he decided he must leave the country for a haven in England to get a little peace for his family. Alas, Europe was coming apart in the late thirties, and his sense of duty impelled him to inform the West about air power development in Hitler's Germany and Stalin's Russia. This led to more disagreeable publicity as he was entertained, in his quest for information, by Nazi air force bigwigs. When Churchill warned the British of Hitler's growing power, it was one thing. But when Lindbergh substantiated Churchill, it was quite another. What call did a mere American have to lecture Britain on its duty to rearm?

Lindbergh hated politics, but his sense of duty pushed him into the America First movement. Having watched the shilly-shallying of France and Britain close up, he wanted passionately to keep the U.S. out of a war he thought no one in the West could win. But Franklin Roosevelt had other ideas. The result: more disastrous publicity as two headstrong and convinced characters fought it out.

After the war, in which he flew many quiet missions against the Japanese in the Pacific even though he had only test pilot civilian status, the private person in Lindbergh finally got his wish. He faded from sight for long periods, working for Pan American Airways, raising a family of five children, competing with his wife, Anne Morrow Lindbergh, as a stylist in writing his own books, and pursuing his growing interests in the world of nature. But the biographers wouldn't leave him alone. There persisted the legend of the two Lindberghs—one, the aviation genius, and, two, the "totalitarian" personality who, allegedly, had admired the Nazis. The legend was summed up recently in a few sentences in *Parade* magazine: "He was an instant hero whose heroism was tarnished by flaws in his character and the character of the American people ...an opinionated celebrity to whom the rich and influential listened as if his knowledge of politics...equalled his knowledge of aviation."

Blinded by the stereotype, the Lindbergh biographers have gone on repeating each other in forgetting nothing about the animosities of the late thirties, when America was polarized over the enigmatic question of its world duties. The fact that Lindbergh had made those five trips to Nazi Germany before coming home to make speeches for America First is conclusive evidence to Kenneth Davis, author of *The Hero: Charles A. Lindbergh and the American Dream*, and to Leonard Mosley, the English writer of *Lindbergh: A Biography*, that Lindbergh was anti-democracy and, if not anti-Semitic, at least insensitive to the rights of Jews. →

John Chamberlain, a personal friend of Lindbergh, is now a columnist for the King Features Syndicate, and was formerly the daily book reviewer for the New York Times. *His books include* Farewell to Reform *and* The Enterprising Americans.

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The truth is that Lindbergh went to Germany in the thirties on patriotic, pro-democratic, and even pro-Jewish missions set by the State and War Departments of two countries, the U.S. and France, which had good reason to worry about Hitler's growing strength. I learned in the forties about the nature of Lindbergh's missions through Colonel Truman Smith, who had returned to Washington after his stint as military attaché in Berlin. I was introduced to Smith, a crusty and forthright character, by Hal Horan of *Time* magazine on a memorable day in front of the old Navy Department building. The Nazis had just invaded Norway. When I said something about the military "genius" of the Nazi general in charge of the invasion, Smith scoffed. The Nazis, he said, had twenty generals who could have pulled off the coup.

Smith, like Lindbergh, got the name of being pro-Nazi because he was the bearer of the bad tidings of Nazi power. It was Smith who invited Lindbergh to come to Germany to make some informed estimates of the Nazi air manufacturing capacity. (Smith, an infantryman, did not consider himself a proper judge of air power.) A later mission, concocted by Smith and Ambassador Hugh R. Wilson, was designed to help Jews leave Germany with enough of their possessions to start life elsewhere. The idea was to let Lindbergh speak to Goering as one aviator to another in hopes that Goering, no anti-Semite, would commend the proposition to Hitler as a pragmatic way of solving the "Jewish problem." (This was three weeks before storm troopers began smashing Jewish shops.) In the course of their meeting Goering decorated Lindbergh with the Service Cross of the German Eagle for his trans-Atlantic flight and his services to aviation. When she saw the medal, Anne Lindbergh called it the Albatross, but Lindbergh could not have turned it down without prejudicing his mission of trying to help German Jews.

At a later date Colonel Smith put me on to the existence in the Yale University Library of his diary of Lindbergh's German missions, urging me to read it as the answer to such biographers as Kenneth Davis. I incorporated the evidence that Lindbergh went to Germany on a pro-Jewish mission in something written for *National Review*, and was gratified when the *New York Times* picked it up for a front-page story. But the message eluded Leonard Mosley when he came to write his biography, in which Lindbergh figures as Goering's unpaid publicity man.

The charge that Lindbergh malevolently overestimated Nazi strength in order to scare the democracies into surrender was spread all over Washington in the days immediately preceding Pearl Harbor. But General Albert Wedemeyer, who translated for Lindbergh on one of his German missions, says that Lindbergh was entirely accurate. Lindbergh saw what he saw, and was badly disillusioned when the British and the French did little to act on the information. If it had been left to a contest of weapon against weapon, and if Hitler had not had the stupidity to sink himself in Russia despite the warnings of his generals, Germany would surely have won the war. But what Lindbergh could not know was that the British had, through a Polish mechanical genius, obtained a complete duplicate of the Nazi encoding machine. The astonishing story of how this machine helped the British to listen in on every German decision of importance through four years of war, enabling them, for example, to hold North Africa by duping Rommel and sinking his gasoline supply ships, was not told until after Lindbergh's death. Lindbergh had done his part by imparting correct military intelligence; he could not have done the work of the mysterious Pole, Richard Lewinski, who, for ten thousand pounds and a British passport, built a magic box for the British MI-6 that gave the Allies almost perfect foresight through four years of uphill struggle.

Surely, in this fiftieth anniversary year of the *Spirit of St. Louis*'s flight, Lindbergh is entitled to retrieve a reputation for total integrity. His biographers, particularly Mosley, show little knowledge of the depth and sincerity of the American Midwest's natural pre-war isolationism. Walter Ross, author of the temperate *The Last Hero*, is, to date, the only understanding biographer Lindbergh has had. In trying to keep America out of war, Lindbergh was following the example of his father, the ten-year Congressman C.A. Lindbergh who had stood with Senator Robert M. LaFollette in trying to avoid entanglement in World War I. A characteristic of all the Lindbergh men, from Charles' emigrant grandfather who had tried to abolish flogging in Sweden on down to Lindbergh's three sons, Jon, Land and Scott, is the stamina to go their own way oblivious to what the world might say.

Franklin Roosevelt and Harold Ickes made a huge mistake when they figured that Lindbergh was just a power-hungry candidate to become a Fascist gauleiter. They could not understand a dedicated apolitical man. Roosevelt tried to bribe Lindbergh by suggesting, through an emissary, that he might become the first U.S. Secretary of Air. This would naturally have silenced him as a critic. Lindbergh, of course, turned the offer down. An open-air person, he had disliked Washington ever since being forced to live there as a boy when his father was in Congress. He would have taken Washington as a wartime duty, but not in peacetime at the sacrifice of his freedom to speak out.

Though he had a tremendous affinity for machinery as a boy, and thought of himself as a scientific mechanist in the tradition of his mother's family (his maternal grandfather, a dentist, invented the porcelain cap), Lindbergh was always at bottom a nature-loving mystic. He had premonitions, even when young, of another realm behind the veil—premonitions that were reinforced by his experiences as a test pilot who, on occasion, narrowly missed death. He could exasperate pragmatic activists by taking the long view in situations where less philosophical souls felt they were up against the gun. He saw World War II as the culminating phase of a civil war inside Western civilization. He wanted to effect a reconciliation between the Germans and the British in order to face the bigger menace from the Communist East. The idea was unrealistic, given Hitler's madness, but it was an idea held by such American worthies as Herbert Hoover, Harry Truman, and Bob Taft. In the short term, of course, Hitler was by far the greatest threat, but today, with the Communists breathing down our necks in Cuba, Southeast Asia, and Angola, to say nothing of at the Berlin Wall, the Lindbergh view of the prolonged struggle in the Europe of 1914-1945 as a suicidal civil conflict makes complete sense.

In his fifties and sixties the forms of life become more and more of a transcendent wonder to the person who had thought himself a mechanist when young. He haunted the game parks of Africa, troubled that his contributions to aviation might have brought the extinction of great beasts closer. When others were looking back to the days of his cross-ocean flight, he was off to the Philippines to help his friend, Manuel Elizalde, Jr., in a crusade to protect the Tasadays, a stone-age tribe. He had become an Albert Schweitzer in his reverence for life.

He spent a lot of time trying to save the blue whale. He wanted no publicity for his efforts, for he felt he could do a more effective job for conservation by working behind the scenes. He succeeded by private entreaty in getting a big American whaling company to refrain from slaughtering whales on the endangered species list. When I wrote a column about his triumph, he was disturbed. Very politely he wrote me a long letter explaining exactly why he preferred to work incognito.

The intensely individual Lindberghs have been all over the lot pursuing their several interests. Anne Morrow Lindbergh is the foremost personal essayist of our day. The daughters, Ansie and Reeve, write sensitive poetry, fantasy, and short stories. The sons, like Lindbergh himself, are outdoor characters. Jon was the world's most wanted underseas diver and now raises land-locked

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salmon, Land ranches in Montana, and Scott, the youngest boy, is an animal psychologist in France, specializing in monkeys. Following the example of his own father and grandfather back in Minnesota, Charles Lindbergh let his children find their own way. Amusingly, Scott treats his monkeys in the family tradition, letting them go out from protected quarters "into the nature" ("*dans la nature*") as they please.

Brought up in an atmosphere in which individualism was encouraged, it is small wonder that Reeve, the youngest daughter, cannot possibly understand how biographers such as Kenneth Davis see her father as a "totalitarian" personality. When, as a girl in the benighted sixties, she voiced doubts about American democracy, Lindbergh—the alleged anti-democrat—argued "long and intensely" that her "starry-eyed" Leftish friends failed to appreciate the advantages of a "correctible democracy." He converted her, not vice versa.

Although he had always been a most private person, resenting the intrusive demands made by other Americans on his time and energy when he was a "public" figure, Lindbergh always had a secret love affair with his country. Even when he had to flee to England to protect his family, he knew he would be coming back. There were never "two Lindberghs," and in this year of the golden anniversary of a pioneering flight, it is time to put the old clichés to sleep for good. □

Harry Schwartz

Plop Plop, Fizz Fizz

What government should and shouldn't do about medical costs.

Even as I write these words, a titanic struggle is underway in Washington, D.C. The Federal Trade Commission is striving with might and main to protect me and you and you and you. The forces of evil against whose machinations the FTC is struggling so fiercely are those friendly folk who do so much to support television, the networks and the independent stations both. You know, the people who put announcers to such tasks as putting tablets in glasses of water and pronouncing poems of purest ecstasy over the fact that tablet A dissolves one-tenth of a second faster than tablet B. Yes, it's the over-the-counter drug industry, the good people whose cheap products save us so much money every year in avoiding visits to doctors and hospitals. The FTC is worried that one of these companies might want to advertise that its tablet or pill or lotion or cream or whatever might be good for the blahs or for the trots or for that horney feeling you get every once in a while. No such villainy will take place if the FTC has its way. Each over-the-counter remedy will have a few prim, standardly phrased claims authenticated on the label and that's all the advertisers are going to be able to talk about. What we do about the blahs, the trots, or that horney feeling will be our business. Such language isn't used on drug labels whose authors are all born-again Puritans. Of course the drug companies are complaining and fighting, and even as I write, hearings on these momentous issues are going on in Washington. The head reels to think of the millions of dollars being spent on lawyers' fees alone in these incredible proceedings.

I begin with this remarkable event because the chief topic of health conversation these days is no longer the grim toll taken by cancer and heart disease or something serious like that. When we talk about illnesses these days, we usually discuss either esoteric and exotic ailments like Legionnaires Disease or virtually non-existent diseases like swine flu. "Cost containment" is the magic phrase to mention early and often if you find yourself at a cocktail party or a massage parlor with a group of health apparatchiks. Health care costs too much and something's got to be done about it. (Of course, if you were dying of incurable cancer, you might think the something to be done would be a doubling or tripling of spending on research about your particular type of malignancy.) But the people who talk this way are usually very healthy, and besides they see chances for getting better jobs or bigger research grants as part of the push to cut health costs. A few are professional sadists and spoil sports or secret members of the Women's Christian Temperance Union or one of its fellow-traveler organizations who think the high cost of health care is the lever that will get the old 18th Amendment and glorious Prohibition reinstated. But anybody with a micron of intelligence knows that aspirin and Dristan and Rolaids and the kindly pharmacist who sells them are the most effective weapons we have to date against rocketing health care costs. Every pharmacist I've ever met is prepared to give you an instant diagnosis of your version of the blahs and to suggest one of his better profit margin non-prescription remedies to do what needs doing. And it usually works, I've noticed. And here are these FTC jokers trying to prevent all the pitchmen, even the pharmacist, from telling us what's good for the blahs. Hasn't anybody told them about the First Amendment?

Here in standard bureaucratic prose is the Carter Administration's description of the health care cost crisis as given in President Jimmy's budget revision statement last February:

"National health spending per person has more than tripled during the last decade, from $212 in 1966 to $638 in 1976. Total national health expenditures grew from $42.1 billion to $139.3 billion during the same period. The availability and use of new medical services account in part for rising spending. Nevertheless much of the increase has resulted from health cost inflation. Without cost restraints, Federal spending for Medicare and Medicaid alone would climb 75% between 1978 and 1982, from $38 billion to $66 billion."

Apparently something dreadful happened in 1966 which unleashed the inflationary monster. The solution would seem to be obvious: Find out what inflationary monster was let loose in 1966, get rid of it, and health spending per person would zoom down again—maybe not all the way to $212, but $300 ought to be

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Harry Schwartz, author of The Case for American Medicine *and many other books, contributed an essay on British health care to R. Emmett Tyrrell, Jr.'s* The Future That Doesn't Work.

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attainable. And it's quite clear what happened in 1966. That was the year Medicaid and Medicare got off the ground, going from zero dollars spending to next fiscal year's budgeted $38 billion. Just abolish Medicaid and Medicare. The $38 billion saved that way would come to about half the projected Carter budget deficit in fiscal 1978. And imagine how doctors' fees and hospital room rates would crumble in consequence. Your friendly local GP might even call you up and ask if you wouldn't like a house call at a special rate—just for sociability, even if there's nothing detectably wrong with you. And that local general hospital which is collecting $200 a day from Blue Cross every time you go in to have your heartburn investigated might run a sale—you know, $25 a week in a private room for a honeymoon couple and nobody will ask you for your marriage license. There's nothing like a sharp decline in business, after all, to make people much more reasonable about price and delivery conditions.

But of course all that's an idle dream. Medicare and Medicaid aren't going to be repealed. How could I even think of such an awful idea? Do I want to deny the elderly and the poor the medical care they need? But people who ask such questions don't realize I'm such an old duffer that I can remember what it was like before Medicare and Medicaid. We were poor when I was a kid but that didn't mean we didn't get medical care. We always went to the nearby hospital clinic where the standard fee was 50 cents. And if occasionally we called a private doctor, he not only came but apologized for asking for a $2 fee. My maternal grandmother —may God rest her soul—got such good medical care in this country on practically zero income that she died at age 92 well before Medicare.

No, Medicare and Medicaid are safe. There's so much free floating guilt around—after all, wouldn't you feel guilty if you were Joe Califano and made the amount of money he did last year?—that Medicare and Medicaid will not only continue, but will be expanded. In that very same Carter budget message quoted above, it was announced that Medicaid would be expanded still further by setting up a new screening program that will expose 14 million kids—not just 12 million as at present—to the risk of becoming hypochondriacs by sending them to doctors and nurses when they don't feel any pain at all. And to secure that goal, the bribe to the states for participating is being upped to 75 percent of the bill. Some way to save money!

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No, the way we save money on health costs these days—and on this there really is no difference between the Nixon, Ford, and Carter Administrations—is by means of price controls and policemen. Carter has already announced a "cap" on hospital costs which have been going up 15 percent a year, but are henceforth to be permitted to go up no more than 10 percent a year. And what happens if the cost of living goes up more than 10 percent a year? That awful possibility and its implications for hospital costs don't seem to have occurred to the would-be regulators. Anybody remember when Jimmy Carter ran against Washington and all those dreadful regulators and regulations that made life impossible for ordinary folks like us?

The doctors needn't be so cocky. Their turn will come. First the screws are applied to the hospitals, and then, that task finished, out will come the national fee schedule or whatever the Carter Administration will choose to call it. But nobody should have any illusions. When that fee schedule goes in, the doctor will give you your 30 seconds, no more and no less. If you expect him to be interested in your troubles and really do something about them—you'd better figure out a way to slip him a supplement the way wise people do in Moscow and Prague. And, of course, if we go far enough down that road, we'll have two medical systems just as in the Soviet Union—one for the proles, the majority, and the other for the ruling minority.

But price and wage controls in medicine—for that is what the Carter Administration has in mind, whatever the terminology it employs—won't do the trick. The ultimate aim of the present Washington policymakers, after all, is National Health Insurance. And that goodie, the ordinary guy and gal think, means that everybody gets all the health care he or she wants whenever they want it. Nonsense!

Powell's Law stands there glowering all the time. For those who've forgotten, Powell's Law is the piece of common sense which points out that there is an infinite demand for "free" health care—or at least for health care paid for by somebody other than the beneficiary. There is always another doctor who can be called in, another treatment that can be tried, another amenity that can be installed to ease the lot of the afflicted one. And why not try them all if it's "free"? Dr. Kevin Cahill, Democratic Governor Hugh Carey's health dictator for New York State, told me some time ago that New York is forking out about $35,000 a year to care for every one of the retarded patients at infamous Willowbrook—but even that is not enough, as every new exposé of the conditions at Willowbrook reveals.

The point is that as health care becomes more and more "free," whether because of Medicare and Medicaid, or because of national health insurance, or because you've been enrolled in a Health Maintenance Organization, it has to be rationed somehow. Already the first instruments of medical rationing are in place and beginning to operate. Have you ever heard of a Professional Standards Review Organization (PSRO to the cognoscenti)? Practically every hospital belongs to one, and it's the job of the PSRO nurse to see that you get thrown out of the hospital as soon as possible—at least if the government or an insurance company or a Health Maintenance Organization is paying your hospital bill. Of course, if you're paying your own hospital bill, you can stay as long as you want to. But who can afford to pay current hospital bills at the rates to which they've been driven by insatiable demand born of Blue Cross and other third-party-payer inspired inflation?

But, as the British discovered long ago, the best means to ration medical care—by making you wait for it, wait perhaps until you die —is by making resources unavailable. The hospital that isn't built can't be used for patients. The surgeon who isn't trained can't operate. The method is simplicity itself. But here in the United States we've been on a jag building hospitals, training doctors, buying equipment, etc. Have you any idea how many hospitals have been built with Uncle Sam's help through the almost unknown Hill-Burton legislation, or how many additional doctors have been trained through government subsidies to medical schools?

All that was in the bad old days. Now we're creating Health Systems Agencies—and bow low when you pronounce the magic letters HSA—and they're going to plan the medical system of each part of the United States. For a starter they're going to focus on hospitals and the like, but down the road one can see these eager

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planners deciding how many dermatologists Flatbush or Marin County is entitled to and where they may have their offices. All this, of course, is under the flag of avoiding waste and needless duplication. But the HSA's waste may be that hospital around the corner you've been accustomed to going to. You won't like it when they close that hospital down and you have to go to another one 20 blocks or 20 miles away, depending on where you live.

Moreover it's important to cut out fraud, and even the village simpleton knows by now that the freer medical care has become in this country, the more crooks have supped at the Federal treasury's trough. So more and more we'll have policemen overseeing the medical system, policemen working for HEW's new Inspector General or his local counterparts in state and municipal and county governments. Did that 90-year-old lady really need to be in a nursing home? After all she does have an apartment on the top floor of a five-story walkup tenement. Should Jim Smith really have had that hernia operation? His truss didn't seem to be inconveniencing him any. And so it will go as the policemen dig in.

What it all adds up to is that government is behaving in its usual Janus-faced fashion. One face is promising us new wonders of free medical care, with the hint that even immortality may be down there at the end of the road as the result of some marvellous discovery by the National Institutes of Health scientists. The other face is perpetually frozen in a snarl born of ceaseless complaining that it costs too much. Who's to blame? That's easy. In the official demonology, it's the inefficient hospital managers and the greedy doctors. Just take care of them, and all will be well. The notion that the troubles begin with "free" medicine in the first place because the consumer has no motive to economize must of course be rejected out of hand. Ye gods, such subversive reasoning might even lead one to blame Congress and the President, who are taking the bows for today's free medicine and looking forward to taking the bows for tomorrow's free medicine.

So the future looks good for medical bureaucrats, for medical inspectors, for medical policemen, for medical computer specialists—in short, for the whole army of paper pushers that a vast and complex government organization accumulates automatically. For sick people and those who try to take care of them things don't look so good.

What is tragic is that there is a mechanism for combining humanitarianism with a healthy respect for medical economy. It can be built on a simple principle: The important thing is to help people who really need help. Another name for this mechanism is catastrophic health insurance.

The basic fact is that most Americans are healthy most of the time. The average American family can afford to pay out of pocket normal medical expenses. There is no need to set up a monstrous "free" medical system without any incentive for patient economy. The real problem is that posed for people who have severe illness for which something can be done. Leukemia was cheap 30 years ago when nothing could be done and the patient died more or less promptly. Leukemia is financially expensive today *because* for many forms of the disease patients can be kept alive and even functioning fairly normally—often for many years after the disease strikes. Kidney disease killed fast in the old days. Now kidney dialysis keeps patients alive and functioning for years and kidney transplants—in thousands of cases already—have made patients almost as good as new. A heart attack that would have been fatal a decade ago you may now recover from and go back to work—but only after spending a month in the coronary intensive care unit where the cost may exceed $500 a day.

What this suggests therefore is that the proper role of government in health care financing is just one: To encourage as many people as possible to get catastrophic insurance, meaning insurance that will compensate them for medical costs that go above some significant percentage—15 or 20 percent say—of a family's income. This should be done regardless of age—90-year-old Cyrus Eaton doesn't need Medicare—and the use of a percentage of income as the cut-off point means that expenditures which would be considered normal for a family from Great Neck or Newport Beach would be considered catastrophic for a family living in Bedford-Stuyvesant or Watts or Appalachia. But in all these cases the patients would begin with some incentive to economy because they would have to pay the first dollars of medical care. (To my mind, first-dollar medical or hospital insurance of any kind ought to be outlawed—with a very stiff penalty for violation.) But of course this scheme can be abused, too, After a family has passed the threshold percentage of its income, the care it receives is "free" and the door is wide open for all the old abuses. There has to be a watchdog, something some people would call the Death Committee while the Nice Nellies would call it the Optimum Medical Use of Resources Committee. In each case the point is the same: The committee would have the job of deciding when enough is enough. The Karen Quinlans of the world would not be allowed to remain under care, unconscious, living their vegetable existences without hope, forever.

And oh yes, we would let Rolaids, Dristan, et al. claim they combat the blahs. Maybe they do. More important they don't cost very much. Most conditions you take them for go away of their own accord. And if you didn't take those non-prescription drugs, you'd probably visit your doctor and start chipping away toward the point at which catastrophic medical insurance would take over.

None of this is new. The ideas have been around for years. But there are no votes to be garnered by promising people you'll pay their medical bills only if they suffer a catastrophe. Many voters, unfortunately, and even more the demagogues who crowd the electoral lists each year, prefer to think that even one dollar paid by the patient for medical care is a disaster. Little do they know! □

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Ernest van den Haag

Preventing Crime with Punishment

The credible threat of punishment remains the most effective deterrent to crime.

The fundamental purpose of criminal laws is to use the threat of punishment in order to restrain persons who are tempted to do what the laws prohibit. Thus, Timothy I (1:9): "The law is not made for the righteous man, but for the lawless and disobedient."

And who is likely to be "lawless and disobedient"? Some persons are tempted to commit crimes for individual and intrapsychic reasons; others because nature or society placed them in a disadvantageous position which reduces their legitimate opportunities and, in comparative terms, increases the attractiveness of illegimate opportunities. The law is addressed to all those impelled toward crime, whatever their temptation; it would be redundant if addressed only to those not tempted to do what it prohibits. The greatest burden of the law thus is on those most tempted to violate it, usually those with the fewest legitimate opportunities and satisfactions. Rich adolescents, for example, are less tempted to steal cars, and will commit fewer car thefts than poor ones. There is no way—under capitalism, socialism, or any social system—of equalizing temptations, or individual needs, or individual responsiveness to them. Hence the law will always be more burdensome to some than to others. It is in the nature of any prohibition to affect different people differently, and to be most painful to those most tempted to do what is prohibited: they will have the greatest difficulty obeying. They will also be punished more often. To prohibit rape or theft imposes a heavier burden on one tempted to commit either offense than on a person not so tempted, whether by his circumstances or by his character.

Roughly speaking, the burden of the law will always be heaviest on those placed in the least advantageous position by nature or society—the poor or those brought up in an unfavorable family environment, e.g., by violent or cruel parents. Yet contrary to what one so often hears, it is still mainly the disadvantaged—the poor and the powerless—that the criminal law protects. In any society the rich and powerful can protect themselves. They need the law least. But the law is the only protection the poor and powerless have. They need protection against others, usually poor and powerless, as well, for most crimes are committed by the poor against the poor.

The threat of punishment can deter people from prohibited acts only if credible. Else the threat becomes ineffective. And the threat remains credible only if carried out as threatened. Obviously, the threat has been ineffective with those who have already violated the law; but threats of punishment will be effective enough, if properly applied, to restrain others from crime. Threats cannot and will not restrain everybody all the time, but they are effective in all existing societies with most people most of the time—provided they are carried out when the law is violated. Else crime pays and more crime will be committed as people realize that it does.

The threat of punishment is a purely utilitarian measure. It is meant to protect society. But we also try to be just when we carry out the threat. Thus we distribute the threatened penalties only to those found guilty of crime. Further, the punishment must be as threatened, i.e., not arbitrary; and it must be proportioned to the felt gravity of the crime.

In addition to threatening punishment we can also reduce crime rates by decreasing criminal opportunities, and by increasing legitimate ones. A better social order, it is contended, may reduce the temptation to, or pressure for, committing crimes. I have no doubt that changes in social arrangements—e.g., making divorce or employment easier to get—may have some marginal effect. And I favor some such changes. But their effect has been minor, and to stress them is to misplace the emphasis.

In this country an income of $5,500 for a family of four has been decreed as the poverty line. In 1900 ninety percent of all families were below the equivalent in actual purchasing power; by 1920 the figure was 50 percent; and in 1976, 11-13 percent. If the crime rate has declined similarly, it is a well kept secret. Education, psychiatric care, etc. also have been improved, and opportunity is far more equal than it ever was. Yet these changes have not reduced the crime rate. On the contrary: the crime rate among females and blacks has increased as their opportunities have become more equal. The reason for this seeming paradox is simple enough. Social conditions were improved. But the level of effective (credible) threats against criminal behavior was independently reduced. Only if that level is maintained can social improvements reduce the crime rate. And in the present situation the most urgent task is to increase the threat level. Punishment must become more certain and less lenient if the crime rate is to be reduced. At present it is still rising.

Incapacitation for habitual offenders might reduce the crime rate by reducing the offenses of those irrationally *addicted* to crime who, when free, commit crimes regardless of legal threats. (I mean addicted to crime, not addicted to drugs. Although many offenders are drug addicts, in most cases they were offenders before becoming addicts and the drug addiction contributes to rather than causes their crimes.) As long as they are incapacitated, these persons would not be able to commit the crimes from which they cannot otherwise be deterred. This would reduce the rate, say, of child molesting or of certain violent crimes committed in part for thrill and not for instrumental reasons alone. I should favor more incapacitation when possible—if and when we are able to tell the habitual law violator from others. But the practical possibilities are limited.

Unlike incapacitation, rehabilitation is not a practical possibility at all, and I doubt that it can ever be on a major scale. Let me quote a former president of the American Society of Criminology, Bruno Cormier (*The Watcher and the Watched*, p. 268): "Society must learn to accept that a delinquent treated by psychotherapeutic techniques may have benefited from such treatment even though he returns to crime." I am willing to accept that, but unlike Dr. Cormier, I do not think we should send people to prison for their health. Prisons are meant to protect society from crime—present and future—and, if convicts while benefiting from treatment still return to crime, I do not think the treatment was socially useful.

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Indeed, there is no evidence that our institutions, which barely manage to teach reading and writing to children, can do any better with the behavior of adults. I need not mention all the horrors practiced in the name of rehabilitation—such as indeterminate sentences, parole, etc. But even if rehabilitation were effective, or if all non-rehabilitated convicts could be permanently incapacitated, I do not think that the rate of instrumental (rational) crimes would be reduced.

Criminals engage in instrumental crimes such as picking pockets, mugging, tax evasion, car theft, rackets, because of a combination of personality and of comparative benefits and opportunities. A different combination leads others to become dentists or criminologists. Now, if we were to incapacitate or rehabilitate all dentists, or all criminologists, presently practicing, the rate at which dentistry or criminology would be committed would remain the same (in the long run) as long as there is no change in the relative cost-benefit attractions—net gains—that determines that rate. Only if these cost-benefit factors are changed can the rate of instrumental crime be affected. They depend in part on the risk of punishment, a cost factor. Non-instrumental crimes also depend on the size of the reservoir of people attractable to, or capable of, committing the crime. But in practical terms that reservoir is unlimited, for dentists, criminologists, or criminals engaged in instrumental crimes, i.e., for all criminals except those engaged in crime irrationally.

How, then, can the crime rate be reduced? The cost of crime is the severity of punishment multiplied by the probability of its being inflicted. Thus, we will deter, *ceteris paribus*, if we punish more lawbreakers more severely.

Not everyone agrees that punishment is an effective deterrent to others. According to Boswell, Dr. Johnson attended the hanging of a pickpocket and, finding that the pickpocket's colleagues continued to work the crowd, concluded that the death penalty does not deter. The story has been repeated innumerable times. Yet the conclusion is obviously wrong. A punitive threat is deterrent when it reduces the rate at which the threatened crime is committed. The punitive threat is quite unlikely to eliminate altogether the offense being threatened. (Else, high enough penalties could eliminate all crime.) Thus, if Johnson wanted to determine the deterrent effect, he would have had to compare the amount of pickpocketing activity in the crowd attending the hanging with the amount in a similarly sized crowd without the hanging. He didn't. And even if he had not found any reduction in the rate at which the offense was committed, it would not surprise me, nor would it argue against the deterrent effect of the penalty. The pickpockets who were working the crowd were committed to their careers and had made the commitment in view of the risk of the penalty. Why then would the hanging deter them?

Deterrent effects can be expected not with respect to those already committed to their criminal careers and who made the commitment knowing the risks they took. Rather, deterrence reduces the number of new entrants so that there will be fewer than there would be if there were no penalties, or if the penalties were less severe or less certain. This is what is meant by deterrent effect. It is easy to understand why Dr. Johnson took a less than scientific approach. But those who repeat his mistake today should be blamed for their ignorance. □

Philip M. Seib

Nipping Crisis in Yugoslavia

The United States must develop a firm policy against Soviet intervention in Yugoslavia—before the scramble for power that will follow Tito's death.

In 1956, when Imre Nagy's young regime in Hungary faced an onslaught of Russian tanks, and in 1968, when the Dubcek government in Czechoslovakia was struggling for survival, the United States was virtually paralyzed—unable or unwilling to recognize the legitimacy of these governments or even to warn the Russians not to meddle. With little or no Western support for the governments, pro-Soviet officials in both Czechoslovakia and Hungary were able to take full advantage of the chaos in their countries and appeal to the Russians for assistance in restoring order. The Kremlin, in turn, found little to deter its interventionist inclinations.

With this in mind, the United States now must move promptly to make sure nothing similar happens in Yugoslavia. By the force of his personality and his ruthless political skill, Josip Broz Tito has both kept the Soviets at arm's length and prevented his country from crumbling into ethnic and ideological factionalism. But Tito is in his mid-eighties, and when he dies he will leave no heir with commensurate strength. His succession is likely to be plagued by conflicts not only between Serbs, Croats, and the other nationalities of Yugoslavia, but also between Communists of varying degrees of loyalty to Moscow. Just as pro-Moscow Czechoslovaks and Hungarians called for the Soviets to restore order in their countries, so too it is not difficult to imagine a Soviet invasion in response to calls for a "rescue mission" from pro-Moscow factions in Yugoslavia.

To prevent such an invasion, we must develop a "buffer diplomacy" that will indicate where the United States stands on Yugoslavia—before the time of crisis that will follow Tito's death. This will require no miracle from President Carter, but rather will oblige him only to enunciate consistently and forcefully an American foreign policy that goes beyond the Helsinki Accord. Given that we have, however unfortunately, ratified the Soviet-dominated status quo in Eastern Europe, we must now state to the Kremlin and to the world that the scope of the Soviet sphere of influence can be extended no further, either in terms of physical expansion or political control.

This buffer diplomacy may involve several approaches. Although we often fail to act like it, we generally hold the upper hand in economic dealings with the Communist nations. If we make new efforts to further our economic relations with Yugoslavia while at the same time making clear that we do so believing in and conditional upon a certain degree of Yugoslav autonomy, it will put the Kremlin on notice that the United States *will* respond economically, if not militarily, to Soviet intervention.

A second strategy should make it clear to the Soviets that any attempts at military gamesmanship in the Adriatic or elsewhere in Europe will seriously jeopardize plans for mutual arms reductions.

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This is not to be a retreat to the Dulles-like ploy of brinksmanship. Rather, it is merely a matter of making clear exactly what our foreign policy is.

As a third step, we must end our fearful avoidance of stating a philosophy on which our foreign policy is based. The platitudinous references to human rights included in the Helsinki Accord are noteworthy only for their rarity in the recent history of American foreign affairs. The world should not have to question what the American positions are on basic ideals of human dignity and national autonomy. Jimmy Carter deserves our praise for advancing the cause of morality in politics. He now has ample opportunity to add some substance to his statements.

Although the Kremlin will voice its outrage at the "provocation" implicit in such a policy, other governments are likely to welcome American initiatives from which they might derive benefit in terms of increased autonomy and flexibility. For example, Tito might well be most receptive to overtures leading to increased economic benefits for Yugoslavia, whatever Moscow might think of the idea. Certainly, Tito enjoys playing off the superpowers against each other as a means of securing his own country's independence.

As a glance at the map will indicate, that independence is of vital strategic importance to the West. The Balkan states traditionally have served as both a political and physical buffer between West and East. The Soviet Union avidly covets Yugoslavia's Adriatic harbors and ready access to the Mediterranean. At present, the most direct route for the Soviet Navy to enter the Mediterranean is through the easily closed Bosporus and Dardanelles. A new concentration of Russian naval might in the Adriatic would require a response in kind by the United States and NATO. A more prominent Soviet role in Yugoslavia would also add another element of instability to the confused political turbulence in neighboring Italy.

The strategic importance of this area is too great to allow us to pursue a policy of benign neglect. The Carter administration must act forcefully and promptly in order to maintain essential political and military equilibrium. Buffer diplomacy is a policy that is realistic and in America's interest. □

Patrick Cosgrave

Pipelines and Pipedreams

Four wishful propositions about the prospects for Middle East peace.

With the recent pronouncements of Mr. Carter and—at least up to the time of the Cairo food riots—the promiscuous granting of benevolent sounding interviews to Western politicians and newsmen by President Sadat, it is clear that a new Middle East peace season is upon us. True, the shock the Egyptian government has sustained, coupled with uncertain domestic political prospects in Israel, make it now unlikely that a major advance towards settlement will be made in 1977. But some real advantage may be gained by delay, if it means that the Western Powers will use the interval to learn a little more about the realities of the Middle East; and a little more about their own long-term interests in that theatre.

Four propositions have gained increasing influence over Western foreign policy in the Middle East since 1973. It has been increasingly believed, first of all, that all the most important Arab powers really want peace, and that they are prepared to accept the existence of Israel. From this it is concluded that the Arab policy of the Rabat summit—calling for a Palestinian state between Jordan and Israel—is reasonable. Second, the West appears to be convinced—and the French and West German governments have stated as much openly—that Israel is strong enough to make large political and military concessions, certainly to the extent of allowing the birth of a separate Palestinian state, and probably to the extent of retreating to at least the pre-1967 borders. Third, every Western government without exception believes that there are moderate as well as extremist factions within the Palestinian movement, and that the former should be propitiated in order to outflank the latter. So prevalent is this idea that Western writers often seem to believe that murderous gangs like Black September are separate from the organization led by Yasir Arafat. Of course, like most Arab political movements, the Palestinians are constantly afflicted by violent faction; but the truth of the matter is that Arafat's PLO is an umbrella organization to which all the others belong, and through which they co-operate with each other: their internecine quarrels are of less importance than the fundamental fact of their alliance. Fourth—and this is a conviction held with particular satisfaction by successive American administrations—the U.S. is seen as replacing Soviet influence in Arab countries, particularly in Egypt.

It is hardly conceivable that Western politicians could have come so readily and with such gullibility to accept these propositions were it not for the effect of the use of oil as a weapon in the 1973 war, the effectiveness of Palestinian terror on all countries except Israel, and the competition between the super-powers for influence in the Arab world. Before addressing these increasingly powerful arguments, however, it is worth mentioning that they have had some effect in Israel itself. In that country, of course, there are quite separate reasons for believing that the continued retention of *all* the territory taken in 1967 is unwise, notably the conviction that ultimate peace is unattainable without some concessions, and the fear that retaining a large Arab population would disturb the country's cultural and (relative) racial homogeneity. Wide swaths of Israeli political opinion believe, with Foreign Minister Yigal Allon, that it is highly desirable to encourage the "less aggressive, more realistic" Arab politicians. In addition, they believe that it is unwise of Israel not to make some show of supporting the beliefs and fears of their country's Western friends, especially the United States.

And, indeed, it would be wrong to dismiss the four propositions as being utterly without substance. The Lebanese civil war, for example, led at least some Arab countries to share the view of King Hussein of Jordan that the Palestinians were dangerous neighbors. In September a reshuffle of the Kuwaiti government and the suspension of the country's parliamentary assembly

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demonstrated that the country's ruler was determined not to allow his territory to replace Lebanon as a PLO base (there is a higher percentage of Palestinians in Kuwait than in any other Arab country except Jordan). And there are signs of a new wariness of the Palestinians—not only in the ceasefire imposed in Lebanon by Syria but also in the reduction of Arab support for the PLO at the UN (at the outset of the present General Assembly session, PLO representatives were denied some privileges which they had been led to believe would be theirs). On the other hand, Syrian dominance in Lebanon, especially when considered together with the rise of Syrian President Assad's power in Jordan and the establishment of at least a putative Syro-Jordanian federation, could represent a partial fulfillment of the aim of creating a Greater Syria which has been the stated objective of governments in Damascus since independence, and which is ultimately directed towards the recreation of the old Turkish province of Syria, including all of Jordan and Lebanon, and all of Israel.

The shifting counters of Arab politics, moving to and fro across a desert landscape itself impermanent, kaleidescopic and ridden by mirages, give little guidance to the observer. In such circumstances, however, it seems at least unwise to ignore the reiterated statements and actions of Arab politicians; to dismiss the record of recent years wholly from one's mind; or to indulge in what I call the "nudge and wink" method of diplomacy, suggesting, that is, that "of course" moderate men like Anwar Sadat do not really mean what they say when they sound bloodthirsty. That was the method Chamberlain used in domestic discussions of Hitler.

In discussing the four propositions I formulated earlier, my mind turns immediately to recent programs of the official Damascus radio on the question of the existence of Israel. Reporting the summit meeting of December 21, 1976 between Presidents Sadat and Assad, the station stated that "the Arabs will render Israel an account which includes not only Jerusalem, Nablus, Gaza, Sinai, and the Golan, but primarily Tel Aviv, Haifa, Jaffa, and Nazareth. The Arabs will not only demand the West Bank and the Gaza strip, but all of the land conquered since 1948...The slogan that the rights of the Palestinians be restored and Palestine liberated can have but one meaning—the elimination of Israel."

But that was not all. There followed an extraordinary exchange which is a classic in the ghoulish annals of Arab semantics. Mr. Yigal Allon, referring to the broadcast, adduced it as evidence that the Arab states are still bent on the "destruction" of Israel, that—to paraphrase him—the "less realistic, more aggressive elements" are dominant. Radio Damascus picked him up. "We did not speak of the destruction of Israel, but of its annulment, meaning the annulment of the Zionist political entity and its military organization." And the commentator went on:

> Another point made by Allon is that the Arabs intend to demand Israeli retreat not only from Sinai, Golan, Jerusalem and Gaza but, primarily, from Tel Aviv, Haifa and Nazareth. We acknowledge, and even emphasize, that we indeed made such a statement.

Not much comfort there, one would have thought, for the growing belief in the West that the Arabs are readier to accept the reality of Israel. At best, it seems, they promise not to maasacre the Jews (for this we have the word of Mr. Said Hammami, the PLO's representative in London); but that, as Mrs. Meir has pointed out, is to give the same assurance as was enjoyed by the Christians in Lebanon.

To damage the first proposition is to damage the second, the suggestion that Israel is strong enough to withdraw to pre-1967 boundaries or to permit the creation of a separate Palestinian state. Only at the end of last year Mr. Arafat, the so-called moderate, stated that "Wherever you may be, inside the occupied land or outside it, may your rifles be always pointed at the imperialist enemy, the treacherous Zionist." A little earlier Mr. Hammami observed, "I do not see any difference between killing a boy of six and a soldier of twenty. In fourteen years time the boy will be a soldier and will kill us." With moderates like these why waste space on quotations from the extremists? With neighbors like these what faith could the Israelis pose in the kind of international guarantee of insecure borders which Dr. Kissinger and others have freely proffered? For, contrary to the third proposition, and on all the evidence of the huge output of Palestinian journalism and broadcasting, there is no firm line between the PLO and such terrorist groups as Al Fatah and Black September.

The extraordinary thing is that even those Western statesmen and commentators most anxious to argue the possibilities of a reasonable peace based on concessions from Israel can produce no statement of significance from senior Arab politicians to weigh against the kind of quotation I have given. If so much moderation were abroad in Arab lands, surely a little more than the pitiful collection of Sadat interviews would be available for examination? The truth is that even the most moderate Arab statements are only relatively moderate; and their relativity is to the statements of the terrorist guttersnipes like Haddeid who hole up in Aden.

Of course, if it were true that American influence had replaced Russian influence in Egypt particularly and the Middle East generally, we could look on the Arab output of rhetoric in a more positive spirit. But it is worth remembering—and this fact, in my view, destroys the fourth proposition, the one about increasing U.S. influence—that though in July 1972 President Sadat expelled from Egypt somewhere between thirty and forty thousand Soviet advisers, on the grounds that the USSR had "refused his requests for more sophisticated weapons with which to attack Israel," in October 1973 Russia was replacing Arab arsenals as quickly as the Israelis captured or destroyed them. One can hardly assert that the American influence established by Dr. Kissinger has persisted for so long that its life expectancy is greater than that of the euphoria induced in Washington and Jerusalem in July 1972. Indeed, though President Sadat's accusation that the recent food riots were incited by Communists may not have been true, it is certainly the case that the rioters expressed extreme dissatisfaction with the elements of Western capitalism that the President has, albeit inefficiently and partially, introduced into Egypt. There is prospect of neither continuity nor stability in the Sadat government.

So far, I have essentially described only what is: it does not always have to be. Ultimately peace may come to the Middle East. But it will take a long time, and it seems consistently to be the case that the frenetic school of modern diplomacy is willing to tolerate any expenditure save that of time. Some Israelis, too, are not without impatience and are, as it seems to me, only too willing to take risks for peace. Of course, a tiny, open, democratic country like Israel, embattled against twenty foes—foes supplied with arms by her friends as well as her enemies—feels the strain of every small engagement in a way that the dictatorships facing her do not. The strain of waiting for recognition of her right to exist, even in a truncated form, is and will be enormous. But the alternative is the likelihood of destruction.

I would hazard one other thought. It seems likely that the real path to peace will open only when one—any—Arab country breaks ranks. Hard though it may be to say, that break may come only in a war, when one Arab state refuses to fight. But it may come in peace, and that is to be hoped for. Meanwhile, it must be said—and all the interests of the West as well as the interests of Israel must be considered when it is said—that the indispensable preliminary to any serious move towards peace must be the open, straightforward, honest, guaranteed, and secure recognition of the State of Israel. □

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Sam Kazman & Alan Reynolds

The Economics of Campaign Reform

Will the new election laws put an end to influence-peddling or merely change its forms?

The Federal Election Campaign Acts of 1974 and 1976 were designed to curb the sorts of influence-peddling that were revealed in the Watergate investigation. Political influence remains a valuable commodity, of course, but the new laws attempt to prevent individuals from offering large campaign contributions in exchange for such influence. Because individual campaign contributions are only one of many desirable things that can be offered to politicians, however, the new laws may simply shift political influence among individuals and groups without substantially reducing the total of such influence-peddling. The campaign laws also give wealthy candidates and incumbents an even greater advantage than they had before, and therefore might easily lead to less responsive government and increased corruption among office-holders.

In order to evaluate the probable outcome of campaign reform laws, it is useful to apply the analytical tools of economics. Politics thus becomes a competitive industry which requires scarce resources, such as time, energy, and money. Political influence is treated as a valuable commodity which is supplied by politicians and demanded by others. Politicians are treated as ordinary human beings who respond to monetary and nonmonetary incentives much as the rest of us do.

Nonmonetary Contributions

The campaign laws limit campaign contributions by individuals to $1,000 per candidate, $20,000 a year to a political committee of a national political party, $5,000 a year to any other political committee, and $25,000 in total. But corporations and trade associations can solicit voluntary contributions from stockholders and executives, and labor unions can solicit contributions from members. Moreover, corporations, unions, and anyone else can spend as much as they like advertising a candidate, so long as such spending is made independently, without any control by the candidate.

These provisions would probably reduce the number of individuals who make large campaign contributions by raising the price of buying politicians to include the risk of fines up to $25,000 and/or imprisonment of up to one year. In the process, however, the relative political clout of organized interests is increased. Corporations, unions, and political committees become vital devices for gathering many smaller contributions. "Advocacy organizations" also become more important vehicles for the promotion of policy views associated with certain candidates or for ads supporting specific candidates. Efforts by labor unions to mobilize their own memberships, as well as their public education campaigns, are not inhibited by the new law, and so labor unions gain in their relative ability to purchase influence.

Since contributions of time are exempt from any limits, celebrities can donate a few hours and raise a lot of money and publicity for candidates ("The new political king-makers," predicted the *Wall Street Journal*, "will be rock musicians"). Endorsements by popular organizations or political figures are yet another form of nonmonetary contribution that will become more important under the new laws. In short, politicians can still trade their influence for *nonmonetary* campaign advantages, and this further shifts political influence away from private wealth toward organized wealth, and toward celebrities and incumbent politicians.

Them That Has

In Congressional races, there is no limit on how much of his own money a candidate may spend. This obviously gives wealthy candidates a substantial edge, since Congressional aspirants are now subjected to tight limits on contributions. Poorer candidates are more dependent on contributions, and are therefore more adversely affected by increases in the costs of raising funds due to the new laws. These costs include, in addition to strict limits on individual contributions, requirements for public disclosure of receipts and expenditures.

Presidential candidates are eligible for $21,820,000 in federal campaign subsidies if they agree not to accept outside contributions or spend more than $50,000 of their own money. The hope or theory behind the subsidy is that if candidates don't *need* to take bribes to finance campaigns, they will no longer take bribes. But the value of political influence is no more determined by a politician's need than the market value of a house is determined by its owner's need for money. Regardless of how financially secure politicians are made by subsidies, they are still in a position to sell a commodity for which buyers will pay dearly.

Independents and minor parties who do not expect to become eligible for subsidies will be at a severe disadvantage relative to their many subsidized opponents, so that fewer new parties will be formed and existing minor parties may drop out of the race. Since subsidies are distributed on the basis of performance in past elections, which in turn reflects past subsidies, it would be extremely difficult to form a successful new party.

Reducing the need to cater to potential donors of campaign contributions might have another curious result. "If candidates receive campaign money from the government," asks Prof. Roger LeRoy Miller of the University of Miami, "why would they have to face up to the issues? Wouldn't they then be able to do things strictly for window-dressing and/or attention-getting?"

Buttressing Incumbency

Incumbents have always had an advantage in any election, particularly with the growing importance of media exposure and such Congressional privileges as franked mail and taxpayer-financed newsletters to constituents. A 1975 report by the Americans for Democratic Action notes that over the preceding four years an average of 95.5% of the Representatives who ran for re-election, and 83.7% of the Senators, were victorious. Two

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econometric studies suggest that to outweigh the advantages of incumbency a candidate for the House of Representatives must outspend the incumbent by around $200,000. With the new restrictions on raising and spending money, it will be exceedingly difficult for anyone who is not very wealthy to unseat an incumbent.

These increased obstacles to entry into the political market should tend to lengthen the average stay in office and augment the potential payoff from lobbying efforts and bribes, since investments in an incumbent are not apt to be lost in the next election. The result could easily be more, not less, corruption. The reduction in political competition, brought about by limiting the costly campaigning required to unseat incumbents, may also have the same effect as a reduction in market competition—namely, a reduction in responsiveness to the demands of consumers of political services.

Finally, there is the familiar tendency of regulatory agencies to be captured and controlled by those whom they are supposed to regulate. In this case, the mere creation of the Federal Election Commission was in itself an act of capture by the agency's creators —the incumbent parties and politicians. The arguments over the Ford-Carter television debates provide an example. The Election Commission ruled that the League of Women Voters could donate hundreds of thousands of dollars, and the networks could forego $2 million apiece in revenues, because the debate would be "nonpartisan." To those Presidential candidates outside the established political duopoly—from independents like Eugene McCarthy to minority party candidates like Roger MacBride of the Libertarian Party—such massive public exposure could hardly appear nonpartisan.

All things considered, the enormous faith that many have in campaign reform laws seems unwarranted. Limitations on campaign contributions can be partially circumvented by such expedients as hiring the candidate's law firm or giving honoraria for speeches. But even if limitations are successful, they will have many unexpected drawbacks. □

Robert W. Merry

New South, Old Sensibilities

Gone is the racial politics of the Old South, but the antique courtesy, the love of place, and abhorrence of abstraction remain.

With the election of Jimmy Carter, everyone's been talking about the New South, especially liberals only too happy to congratulate themselves for their longstanding faith in V.O. Key and the South's inherent liberalism. In his influential book of 1949, *Southern Politics in State and Nation*, Key had argued that the South's native liberalism was evident in the Populist uprising of the 1880s and 1890s, an alliance of poor whites and blacks against the moneyed capitalists; and that if it was not evident in subsequent years, it was because conservative "Bourbon forces" had suppressed the Populist alliance by disfranchising the blacks and otherwise setting the poor of both races against each other. Four institutions, Key believed, helped to perpetuate conservative hegemony: the one-party system; disfranchisement; the use of blacks as political scapegoats; and malapportionment of state legislatures, which concentrated power in the hands of rural conservatives. But Southern Populism would reassert itself, he maintained, as soon as these institutions crumbled.

Now comes a book by Jack Bass and Walter DeVries, with the revelation that these institutions *have* crumbled (*The Transformation of Southern Politics*, Basic Books, $15.95). The authors do not spell out exactly what the "transformation" will mean in policy directions, but they do suggest it will lead to more "people programs," more governmental intervention, more domestic social spending—in short, more of your standard liberal fare.

Well, this is a little difficult to believe when liberalism is manifesting little more than a faint heartbeat even in the North. Are we to suppose that the New South, liberated from its old political straitjackets, will now join forces with the liberal North just in time to go under with Abe Beame's titanic mess? There can be no question that Bass and DeVries are correct in perceiving major changes in the region this past generation, but in drawing upon Key's thesis they fundamentally misinterpret the character of the South, beginning with the character of Southern Populism.

To suggest, for example, that this movement represented a liberal strain in the region is to miss the point. It was an anti-capitalist revolt, yes, but it never embraced the shibboleths of Northern social reformers. As Richard Weaver has shown so well, the tragic role of Southern culture has been to stand athwart history, issuing a plaintive protest against the onslaught of Western rationalism and materialism. Social reformers may have battled capitalism in the rest of the nation, but the South dismissed both camps, clinging instead to older values—spirituality, chivalry, kinship with the soil, an appreciation of tragedy. So it was with the South's agrarian rebels. They didn't get themselves raveled up in the yarns of liberal abstraction. They didn't place their faith in the idea of progress. They didn't spout rhetoric about abolishing poverty or eradicating the pains of existence. But they knew from hard experience that capitalism was a callous, impersonal, exploitive system, just as the Southern mind had sensed it would be long before Tom Watson began collecting followers. And they knew that the merchants and bankers back in town who held the lien on next year's crops—and would soon have a lien on the following year's as well—were robbing them of the dignity of their toil. And so they banded together and rebelled, just as they rebelled a couple of generations later when it was the abstractionists and moralists who invaded their homeland and assaulted their heritage.

Of course the South's resistance to the onslaught of modernity had its ugly side; lost causes always do. And the hostility and meanness the white South directed against the region's blacks illustrate the power of the reactionary impulse. But to say that race hatred fomented by the Bourbon interests prevented the South from going liberal is to misunderstand the Southern mentality. More accurately, it was the South's inherent hostility toward the modern liberal ethos, and its devotion to a dying order, that intensified Southern whites' feelings on that issue, the most profoundly complex the nation has faced or will face.

Today the South has a new perspective on all that. A new amity conjoins the races, however wary it may be beneath the surface. The profound conservative antipathy to capitalism is also dis-

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appearing, as new factories, new people, and new money transform the South into one of the fastest growing and most prosperous regions in the country. And the South is shedding some of that reluctance about government social spending, too—not least because it has been the beneficiary of enormous federal largesse. The South, in short, is returning to the fold.

But as the South returns to the fold, it brings with it some of that cultural legacy from its long history as Western Civilization's last non-materialist society. Pragmatism? Sure. Government assistance programs? No doubt. But the Southern influence isn't likely to be insensitive to the idea of community (compare Atlanta's busing situation with Boston's), or to place absolute trust in faraway bureaucrats, or to permit the erosion of our military strength to dangerous levels.

Of course it is true that economic growth has had a modernizing effect on the South, providing it with the wherewithal for those mental-health centers and other social programs that are the oft-noted legacy of New South politicians such as Jimmy Carter and Dale Bumpers. And it has bolstered the power of centralized state governments at the expense of the old courthouse-legislature hegemony. Take Carter's famous reorganization, for example. Far from the antibureaucracy thrust pictured during Carter's Presidential campaign, it was designed to centralize the bureaucracy, wrench it from legislative control, and bring it more under the governor's influence. With the state treasury overflowing due to Georgia's economic growth, such a power shift was inevitable.

And of course many Southern cities are experiencing the same problems facing any American city, most notably the problems of race and white flight. Atlanta, for example, is 65 percent black, and that percentage has been climbing steadily for years. It could spell serious tax-base problems, and Atlanta politicians and business leaders are worried about it.

But problem-solving in Atlanta remains sensible; they're not likely to strangle the private economy there with public-sector spending. The city is vibrant in a way that Newark and Detroit may never be again, and Forward Atlanta continues to collect big sums of money for downtown development. Meanwhile, visitors come in increasing numbers to marvel at all that development, not excluding the world's tallest hotel. And you can still park in the central city for $1.10 a day and ride a bus across town for 15 cents.

Social planning seems more sensible too. A case in point was Atlanta's busing plan, which Carter took credit for during the late campaign. He took some criticism from liberals because it was *voluntary*, but black leaders supported the plan in exchange for more say in running the city's schools. And major dislocations were avoided. As the *New Republic* says of Atlanta's black mayor, Maynard Jackson: "Though he may indulge the black masses with a little demagogy from time to time, he is not likely to challenge the economic order."

In other words, the New Southerners Bass and DeVries write about aren't conservatives, but neither are they liberals in the Humphrey mold, which is to say hopelessly do-goody, dedicated to the proposition that something approaching earthly perfection is a realizable goal.

A good index is the rating scale put out annually by that desperate vestige of old-style liberalism, the Americans for Democratic Action, to which Humphrey regularly pays obeisance with 95 percent performances. Arkansas' Dale Bumpers, the pride of New South liberals, has voted the ADA line less than 65 percent the past two years. Florida's Lawton Chiles, another bright hope for liberals, has a 40 percent performance. Georgia's Sam Nunn, labeled by Bass and DeVries as "representative of the mainstream of Georgia politics," has about a 15 percent ADA rating.

If the mainstream of Georgia politics is a 15 percent ADA rating, then it is clear that the future of Southern politics isn't going to be quite as liberal as Bass and DeVries have in mind. Just what the Southern destiny is—or the nation's destiny, for that matter—remains a difficult question as the nation passes from one political era to another. But it won't be old-style liberalism any more than it will be old-style racial conservatism. It will be something new, but with a hint of a Southern accent.

All of which would be apparent to anyone who understands the Southern past and the Southern legacy. As Yale historian C. Vann Woodward, author of *The Burden of Southern History*, puts it: "Economic convergence will not mean convergence in all things....Much of the old distinctiveness will be retained.... [including] much of the old courtesy, the antique personalism, the familial ambience, the love of place, the abhorrence of abstraction, the fear of being computerized." And as Weaver puts it: "It is very nearly true to say that if one scratches a Southern liberal, he finds, perhaps not a conservative, but at least one with strong convictions about individualism and local prerogative. The liberalism of [North Carolinian Charles Brantley] Aycock, as well as that of...others who could be named, took the form of a battle for specific improvements, but did not include a surrender to rationalism, or 'the dishwater of modern world citizenship'...."

All of which brings us to that enigmatic figure who inspired so much of this talk of the New South in the first place, Jimmy Carter. Does he represent the actual New South? Or does he represent the confused New South Bass and DeVries write about? I doubt that anyone, least of all Carter himself, knows for sure what he represents. There is no doubt that he appreciates the Southern heritage, understands the Southern idiom, and relies on the collective wisdom of his home region. The Southerner's instinctive wariness over American liberalism found articulate expression in his rhetoric of the primaries.

But the primaries are over, and the new President hasn't been the same since. He does seem at times to surrender to rationalism, cloaked in almost embarrassing idealism, and his foreign policy pronouncements often are reminiscent of that dishwater of modern world citizenship that Weaver spoke of. He remains, in short, an enigma.

But whatever his true colors, he would do well to review the voting statistics of the election just past. While his victory was so narrow as to give just about every junior George Meany a lien on his Presidency, there was one voting bloc whose bolt from recent tradition gave Carter his crucial extra boost—the white South. He lost that vote—by 47.6 percent to 51.3 percent. But it was more than any other recent Democrat had received—and enough, combined with his 92 percent Southern black vote (a typical Democratic harvest), to carry the region.

That white support was very soft, and the pull of Carter's nativity can't last forever. But it was enough—and it was a clear signal that the Republicans, as weak as they are, could have survived the challenge of any Democrat except that South Georgia peanut farmer. It was a signal also that the South has arrived, and with it a new era in American politics. Whether Jimmy Carter will be the beneficiary of all this remains to be seen. Even if he wants to, it's speculative whether the Democratic Party will let him. Who knows? Maybe the Republicans will put Humpty-Dumpty back together again. Maybe a new party of some sort will emerge. But, whatever institutional framework emerges, it is clear that liberalism will have a diminished role to play.

Liberals will be left thrashing about in search of their old self-confidence, trying to determine why their cities are crumbling, why their expensive social programs are failing, why their physical security is threatened, why their kids are turning on them. And into that vacuum comes a new self-confident South that is rising as predicted; gaining on the rest of the country in population, business opportunities, and share of the Gross National Product; markedly influencing our styles, arts, journalism, and habits of mind; sending us country music, the citizens band radio craze, and the President of the United States. Gone is the old hostility toward business and capital. Gone too is the old defensiveness toward liberalism. There's nothing to be defensive about any more, least of all liberalism.

And with that old hostility and defensiveness goes the Old South, the last defender of a dying way of life. Those of us who are not children of the Enlightenment, who pine just a bit for the traditionalism of old, may lament its passing. But American politics needs the New South at this time in history. The lingering question is whether Jimmy Carter knows how much *he* needs it too. □

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THE TALKIES
by
Philip Terzian

The Oscars

When Janet Gaynor was handed a gold statuette in 1927 to commemorate her performance in *Seventh Heaven*, it is doubtful that she, or the recently-founded Academy of Motion Picture Arts and Sciences, had any idea of what was to become of the award, the institution that bestowed it, or the town where the event took place. As with so many things redolent of Hollywood, and of annual awards in general, it was to grow into something quite different from what its originators must have conceived.

The Academy Awards ceremony no longer has anything to do (if it ever did) with its ostensible purpose of signifying the most distinguished performances of the past year in movies. It has become, instead, a kind of industrial luncheon, or retirement party; an occasion for standing ovations for sentimental favorites, recognition of financial success, or, in many cases in recent years, handing gold watches to people who might not be in any sort of condition (physical or professional) to accept the award the following season.

It has also become, with unconscious irony, a television event. In the early days of commercial television movies treated the new medium with ill-disguised contempt. There are innumerable scenes where a primitive box will blare in the background, and people will off-handedly gaze at it horror or bemusement. No more. Television, the despised competitor, has become the unwitting savior of the movie industry, and more people will watch the televised Oscar awards than saw the films in a theatre.

This year, for the first time, that awkward symbiosis has received an official imprimatur; the real winner of the sweepstakes was *Network*, the sort of movie about television that would probably have been made about movies—and in some instances was—a generation ago. How shameless the trade of public relations can be at times! Here we were watching television to see tributes to a movie that purported to chastise us for falling victim to the reasons we were watching television in the first place. Or something to that effect —the cycle of irony and paradox is complicated, but there it is, and there we were, and there *they* were, gloriously ignoring the lessons pounded home by Paddy Chayefsky's Oscar-winning screenplay.

Peter Finch was congratulated posthumously for what must be considered a second-rate part in an otherwise distinguished career. Sad to say, he would never have won the Oscar had he not had the misfortune to die between the film's release and the naming of the winners. It was generally remarked that it was a shame he was not alive to receive the award himself, when in fact, of course, had he had the luck to be alive he would not have received it in the first place. Was the Oscar worth dying for? I personally don't believe so, and suspect that Peter Finch would have agreed.

Rocky, alas inevitably, was named the best picture of the year. I will not bother to recite a list of films that came out in the same year in an effort to emphasize the silliness of the choice. Instead, it might be worth remarking that what made *Rocky* the picture of the year had nothing whatever to do with its content, but had everything to do with it as a piece of marketable celluloid. The saga of the production of *Rocky* is what was patted on the back, and Hollywood, a bastion of free enterprise if ever there was, could not but acknowledge that in show business nothing succeeds like success, and *Rocky* was, if nothing else, a triumph of all that "Hollywood" has come to represent: gimmickry, publicity, victory-against-the-odds, commercial expertise, profundity via ignoramuses. The contented galleries confirmed all the hackneyed formulae of boxing films. What was remarkable about *Rocky* was that it was not remarkable, that it was clumsy and warmed-over, and managed to crawl under all the technical and financial complexities of modern film-making. Whether it succeeded, of course, is a point of view, but in Hollywood's frame of reference it certainly did, and was duly noted.

Sylvester Stallone, in accepting the Oscar, appeared onstage without a tie, his hairy chest and indecipherable medallion becoming a kind of axis around which the evening's events revolved. I was reminded, in a curious sort of way, of our President, whose ostentatious casualness (inaugural business suit, cardigan-sweater-no-jacket) makes the same sort of calculated appeal. It seemed to all concerned that Stallone's appearance was a natural part of his rough non-conformity. I suspect it is a lot easier to button the collar and tie a tie than to open the shirt just so and keep the requisite inches of flesh in view.

When the Academy Awards were begun, nearly half a century ago, there were only three categories for recognition: best actor, best actress, and best picture of the year. The trio had a lean, healthy appearance in contrast to the remarkable proliferation of slots over the years, leading in the present day to such absurdities as best live short and best adaptation score. I am surprised that feminists have not seized in righteous indignation on the proposition that actors must perforce be divided by sex; why separate awards for a male performer and a female performer? Before that reform is legislated, however, my own candidate for oblivion is the Oscar for best original song. This dates back to the days of movie musicals, when films were a noteworthy vehicle for new songs, and when songs were more naturally a part of film and stage entertainment. A few years ago there was a television production of all the Oscar-winning songs, performed by a spirited choral troupe, who became notably dispirited as the evening went on, so dramatic has been the decline in the quality of popular music and lyrics. The golden days of the '30s melted slowly but inexor-

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ably into the '40s, '50s, and '60s, and there was not a single winner of the past decade or two that could not be described as anything but appalling. The culminating disgrace was the 1971 winner, something called "Shaft," from a black exploitation movie of the same name. In its original form it was a discordant series of electronic burps and screeches, punctuated by spoken street-wise argot and containing, literally, no discernible melody. What is the test of a good song? It was and remains a musical impossibility to sit at the piano and accompany oneself to "Shaft."

So, appropriately, this year's winner was a song entitled "Evergreen" from the recent reincarnation of *A Star Is Born*, lyrics by Barbra Streisand (!), music by someone called Paul Williams. Is it necessary to scientifically compare "Evergreen" with the winning entries of Cole Porter, the Gershwin brothers, Harry Warren, or Harold Arlen? Another tuneless, banal series of bars like "Evergreen" serves only to emphasize the sad fact that movies are no longer musical, and that it is practically felonious to give the same award to Paul Williams as to any of the songwriters mentioned above. What is particularly discouraging is that "Evergreen" won practically by default, there being such a dearth of suitable entries. If this process of decline is permitted to go much further the results could easily move from the realm of the sad to the comic.

Which, in fact, is where the awards ceremony resides today. In avoiding the artificial "glitter" of previous occasions, the director of this year's performance replaced it, in suitable style, with those elements of '70s glitter that, one can only hope, will be dismissed with a sneer in some comfortable future. Who ever supposed that Jane Fonda's schoolmarm sermonizing and Warren Beatty's middle-aged eroticism were in any sense an improvement over Bob Hope? And who, or what, is Richard Pryor, another master of ceremonies? Do a few parts in poorly received comedies qualify one to cavort about as a host to filmdom? Surely someone with less tenuous connections to Hollywood could have been found. But that would be too much to hope for, particularly when I am mindful of two of the presenters of awards. Norman Mailer, America's next nominee for the Nobel Prize for literature, handed the screenplay Oscar over after some introductory remarks about pederasty. And Lillian Hellman—well, what more is there to say? How many standing ovations can one woman endure in a lifetime? After a career of justified neglect as a playwright, Miss Hellman has gained solace in her old age by the constant and gratifying sight of people standing up and applauding when she enters a room. After advertising minks and sharing a stage with Richard Pryor, what triumphs remain for this Grand Old Woman who, as she has said, has no regrets? I like to think that she kicked herself backstage for having been bested in repartee by Jason Robards, who won an Oscar for his portrayal of the executive editor of the *Washington Post* in *All the President's Men*. He wished to thank, more than anyone else, Ben Bradlee himself, "for being alive"—making Robards surely the only person extant to think such a thing, much less say it. □

Special Correspondence / David Lowenthal

Connecting Religion and Government Constitutionally

A case for incomplete separation, with a response from Stephen Chapman.

In this year's February issue, Mr. Stephen J. Chapman argued that the First and Fourteenth Amendments require a complete separation of church and state at all levels of government.

Whatever the defects of his lucid essay, it has the supreme virtue of insisting that only the original meaning of the two amendments is authoritative, and that the Court's task is not to balance competing interests for and against an accommodation between church and state but to discover and apply this meaning. Mr. Chapman does not encourage judicial activism. He does not claim for the Supreme Court the role of supreme policymaker, or look to it for an expansion of liberty and equality beyond that intended by the Founders and the Framers of amendments. He seems to realize, as few do today, that a fixed constitution forms the backbone of the American Republic, providing, through its constancy as the supreme law of the land, a sense of security and unity to a free, diverse, and changing people.

Nevertheless, Mr. Chapman's essay contains some errors that are unfortunately common in discussions of church and state. He accepts the widespread but questionable view that the First Amendment represented a victory for Madisonian principles. He fails to examine what the Framers understood by the words "establishment" and "religion." He argues for an illogical incorporation of the First Amendment into the Fourteenth's guarantee of "liberty." And he concludes in favor of Justice Black's mistaken statement of principles in *Everson* calling for a "wall of separation between church and state." By examining the Constitution and the First Amendment, and by recalling what Madison and Jefferson did with public education in Virginia, we can see that the Founders intended no such absolute separation.

It is significant that Mr. Chapman attributes the "major impetus for toleration" to the Great Awakening of the eighteenth century—a wave of religious revivalism in the 1740s spawning many new sects and hence a "general acceptance of toleration." Yet the same "colonial mind" that favored widespread toleration admittedly favored state assistance to religion and even limiting the scope of toleration itself. The first effort completely to separate church and state came, it seems, from Madison and Jefferson in Virginia, but we learn nothing to dispel the possible inference that somehow these men and their eminent allies were also part of the Great Awakening and brought its tolerant tendencies to their completion. We are not told that most of them were, in fact, rationalists of the Enlightenment, nurtured on the writings of John Locke and Montesquieu, and hence not only suspicious of revealed religion as such but bent on freeing political life from the hostilities, follies, and degradation associated with it. Jefferson's study of Locke is demonstrated by his notes of 1776 closely paraphrasing the argument of Locke's revolutionary *Letter on Toleration*. There the separation of church and state was first set forth as a leading principle of political life, along

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with its necessary corollary—the supremacy of secular or civil interests over any ecclesiastical or religious interest whatsoever. In all probability, therefore, Madison, Jefferson, and their allies derived their novel position not from the religious tradition or experience in America but, like the Declaration of Independence itself, from modern liberal philosophy. This would explain why they could insist, counter to the "colonial mind," on disestablishment and on the elimination of religiously-grounded civil disabilities.

How did the original Constitution treat religion? First, Congress received no direct power to act on religious matters. Moreover, there was to be no religious test for national office, though it is hardly clear that this was motivated more by a desire to accommodate the irreligious than to prevent inter-religious disputes. In fact, a kind of implicit and minimal religious preliminary to taking office seemed to remain in the required oath or affirmation—the latter a substitute for the oath's swearing (by God) intended not for atheists but for Quakers and others whose religion forbade taking oaths. Yet, most surprisingly and most impressively, there is not a single mention of God in either the Preamble or body of the Constitution—a notable omission compared with four such references in the philosophical Declaration of Independence and at least one in the Articles of Confederation. Thus, the new union was made to look like an entirely man-made device or convention created in the name of the people and ratified by them for the improvement of their earthly well-being, even if among the "liberties" whose blessings were to be secured for themselves and their posterity was undoubtedly religious liberty itself.

How did the First Amendment affect this picture? Let us begin by reminding ourselves that the demand for a Bill of Rights as such came from those who feared the power a much-strengthened national government might exercise over the states and the people. Madison, who acquiesced in the demand, did not agree, and his original motions in the House of Representatives starting the amending process even attempted to place new limits on the states as well as on the national government. This seems to have generated considerable opposition from states-rights forces, for the final wording of the amendment (after a succession of changes in the House, the Senate, and the House-Senate conference committee) can hardly be interpreted as an overall Madisonian victory. A growing number of scholars, including Mr. Chapman, grant that the establishment section was directed not only at preventing a national establishment but at protecting existing state establishments from national interference. This may well account for the otherwise perplexing peculiarity of the language: "Congress shall make no law respecting an establishment of religion." If the conference committee had merely wanted to prevent a national religion from being established, simple wording to that effect, as in one of Madison's original motions, would have sufficed. By adopting the language it did, the committee made it impossible for Congress to make any law having to do with ("respecting") any establishment anywhere, whether on the national level or in the states. Madison had wanted to limit the states further by preventing them from violating the "equal rights of conscience," but this proposal was rejected by the Senate, even though Madison declared the restrictions to be placed on the states to be "the most valuable of the whole list." By contrast, the establishment section went much further than he wanted it to go because it gave the states protection against the national government. Both actions, however, share the same spirit, and together they constituted a spectacular defeat for Madison.

Madison's two other proposals would have prevented the national government from infringing anyone's civil rights "on account of religious belief or worship," or infringing "the full and equal rights of conscience in any manner, or on any pretext." The first of these simply vanished—perhaps because it was thought subsumable under the ban on establishment, or because of complications arising from the fact that the national electorate was, by the Constitution, left to be determined by the states, which in turn could impose religious disabilities. As for not infringing "the full and equal rights of conscience" in even the slightest manner, this Madisonian demand was dropped in favor of the First Amendment's second religious section, whereby Congress was prevented from making any law "prohibiting the free exercise thereof." How do these two expressions compare?

Mr. Chapman thinks "rights of conscience" clearly protected atheists and agnostics and was therefore replaced by religious freedom, meaning, apparently, freedom for religions and not for the irreligious. In those days, however, the term "conscience" still had a religious connotation—as shown even today by "conscientious objector." The insistence on non-infringement raises a clearer difficulty, for does "conscience" protect not only all beliefs but all actions dictated by it, and are both together not to be infringed? Moreover, how is a claim attributed to "conscience" to be tested? Perhaps it was to avoid these pitfalls that the Framers of the First Amendment settled on language by which Congress was enjoined from passing any law prohibiting (not infringing) the free exercise of religion (not conscience).

Despite Madison's later claim to the contrary, the word "prohibit" means something different from "infringe," or from the "abridge" (a word closer to "infringe") used directly afterward in connection with the remaining freedoms of the First Amendment. What the second religious section protects is the free exercise of religion—not of irreligion, or belief, or conscience—but only in such a way that Congress may not prohibit this exercise. It may be obliged, however, to abridge or infringe what it cannot prohibit. The reason is this: religion consists of a combination of beliefs and actions, and the actions may transgress secular or civil laws. Congress cannot flatly prohibit the exercise of a whole religion—it cannot outlaw a religion—but it may be obliged, in pursuance of its own legitimate ends, to prevent religious actions at variance with the law, and hence to infringe or abridge the free exercise of a particular religion to that extent. No other interpretation will account for the carefully varied verbs in the First Amendment, or for the final phases of its formulation in Congress before it passed to the state legislatures for ratification. Of the four Madisonian proposals, therefore, only one—the ban on establishing a national religion—directly became an element, if not an explicit part, of the First Amendment. The others were either contradicted, significantly modified, or dropped.

So far we have sought the general outlines of the two religious sections of the First Amendment without defining either "establishment," which figures in the first, or "religion," which figures in both. Let us start with religion. Here the Framers thought only of groups (an immediate advantage over "conscience") engaging in the public worship of God or gods, usually with the help of ministers and rituals, and involving actions of diverse kinds thought pleasing to the deity and necessary to salvation. Atheism and agnosticism were not religions: in fact, the philosophical deism or theism found in the Declaration of Independence was not a religion either. The word could not be diluted (as the modern Court has done) without ruinous consequences.

As Mr. Chapman seems to admit, religions, and only religions, are singled out for protection by the "free exercise" section, and it would be ludicrous to read that section as if it could be extended to include those who have no religion. There is no religious test for national office, and both atheists and religious believers alike are meant to enjoy the further freedoms of the First Amendment and of the Bill of Rights generally. But the "free exercise of

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religion" means exactly that: only the kind of belief and conduct properly called "religious" is constitutionally placed beyond prohibition by Congress. In this one place, therefore, what looks like a clear preference for religion over irreligion was put in the Constitution at the behest of forces that were not happy with the original document. We may add that this section, by implication, allows Congress to assist or encourage the free exercise of religion, since only prohibiting such exercise is denied it.

What is the meaning of "an establishment of religion"? Evidently the Framers wanted to use a broader term than the more familiar "established church"—which was too narrow to cover the Protestantism or Christianity established in some of the states. As for "establishment" itself, it is a term that arose in England after the Reformation, and in connection with the state's choosing a particular church or religion as its own. The Encyclopedia Britannica (Thirteenth Edition) puts it this way:

> Perhaps the best definition which can be given, and which will cover all cases, is that establishment implies the existence of some definite and distinctive relation between the state and a religious society (or conceivably more than one) other than that which is shared in by other societies of the same general character....It denotes any special connection with the state, or privileges and responsibilities before the law, possessed by one religious society to the exclusion of others; in a word, establishment is of the nature of a monopoly.

Note that establishment involves an action by the state, not by a religion, and presumes the actual or possible existence of more than one religion, of which one is made in some sense official. For this reason, when only one religion is thinkable in a society (as in ancient Israel), or when its dominance in society exists independently of any choice made by the state (as in the Catholic Middle Ages), or when religion itself is not to some degree independent of the state (as in the ancient polis), the term "establishment" would not apply. Establishment, in fact, was the political means (coming with or after the Protestant Reformation) of preserving an unambiguous religious preference, an unambiguous source of consecration in a society marked by religious diversity.

The precise relationship created between the state and the religion it established could vary enormously, both in the amount of subordination to the state required, and in the areas where marks of preference were exhibited. There could be an enormous variation in the civil disabilities visited on the unestablished religions as well. Nevertheless, it was quite generally understood, in Europe and America, that a religious establishment entailed a religious preference not shared among all religions. This is what the establishment section of the First Amendment forbids Congress to do on the national level, just as it forbids Congress to interfere with such preferences on the state level. Notice also that all Madison wanted was a guarantee that Congress could not establish a national religion. For these reasons, assistance or encouragement to all religions would not have been considered an establishment of religion at that time: in fact, it would have been considered at best an unusual and peripheral possibility, raising none of the dangers feared from the mutual contesting of religions or churches for supremacy, and from the domination of some by others. Nor, as we have seen, is such aid barred by the free exercise section, though it must be admitted that the direct tendance of religion is not within Congress' just authority. As for aid or expressions of support that might be brought about in conjunction with a legitimate legislative purpose, either as a means or ancillary to it, the stipulations of the First Amendment demand only non-preference among religions, or their equal treatment, nothing more.

It is therefore misleading to conclude, as Mr. Chapman does, that the First Amendment allowed libertarians to take solace in "the complete break between religion and government at the federal level," however correct his acknowledgement that it allowed the states to "retain their authority over religious matters." When President Jefferson produced his famous metaphor of the "wall of separation between church and State" in response to an inquiry about the First Amendment from the Danbury Baptists (1802), he certainly was not talking about the states but about the national government, and he meant that there could be no establishment of religion at that level—i.e., no designation of one religion as the national religion, and no display of preferential treatment. It is true that both he and Madison, as presidents, sought to avoid all connections between the national government and religion, but this may have been because they wanted to set the strongest example not only of conformity to the First Amendment but of strict constitutional construction with reference to the delegated powers of the president and Congress. Evidently their own predecessors had a different view of constitutional requirements, for, as Mr. Chapman notes, Thanksgiving Proclamations had already become a presidential tradition before Jefferson refused to issue them. We shall shortly see, moreover, that both Jefferson and Madison were willing to make rather remarkable accommodations to religion, on a non-preferential basis, when they became active later on in bringing public education to Virginia.

Now how did the First Amendment get absorbed into the Fourteenth, passed after the Civil War? The modern Supreme Court, first for the non-religious parts of the First in *Gitlow* (1925) and then for the religious parts in *Cantwell* (1940), read the liberties originally guaranteed against Congressional interference into the "liberty" the Fourteenth guaranteed against state deprivation ("...nor shall any State deprive any person of life, liberty or property without due process of law"). These belated interpretations, starting almost sixty years after the Fourteenth was framed and ratified, and inconsistent with the standard interpretation of that period, are greeted by Mr. Chapman as a long overdue vindication of the Fourteenth's original meaning. But from his simple account of the opinions of Congressman John Bingham, one of the prominent framers of the amendment who regarded it as incorporating the entire Bill of Rights against the states, one would hardly become aware of the historical and scholarly complications of this much-controverted subject.

Without dilating on these issues, we can at least prove that in so absorbing the establishment section of the First, the Court performed a feat of illogic that not even its vast authority can justify. For if, as Mr. Chapman grants, this section was partly intended to *guarantee* the right of states to their own religious establishments, how can its incorporation into the Fourteenth *deny* the states this right? Assuredly it cannot, and so, notwithstanding everything the Court and its supporters have said to the contrary, this right still remains with the states (as far as the U.S. Constitution is concerned) to preserve or surrender as they wish—though all have, in fact, surrendered it through constitutional provisions of their own.

While Jefferson (together with Madison) is famous for championing religious freedom in Virginia, his work (and Madison's) as the father of American public education is much less known. His plans for dealing with religion in Virginia's schools and university are especially interesting for our purposes, and full of surprises. In his projected "Act for Establishing Elementary Schools" (1817), Jefferson did not permit ministers of the gospel to serve as visitors (overseers), fearing the sectarian jealousy that might be awakened if they did. He also provided that the teachers...

> ...shall, in all things relating to education and the government of their pupils, be under the direction and control of the visitors; but no religious reading, instruction, or exercise shall be prescribed or practiced inconsistent with the tenets of any religious sect or denomination. (Padover's *Jefferson*, p. 1076)

Far from forbidding these religious activities as such, the clear expectation here is that they will be undertaken and should therefore be so selected as not to offend any sect. This may have been the first effort to employ nonsectarian religious readings, prayers, and the like in public schools. Note also that Jefferson displays no concern for the non-religious parent or child, since to consider non-belief as

(*continued on page 30*)

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John Nollson

Soul

We decided to drive out to Dorley's for a couple of drinks, a light supper, and some of the music. Dorley's was definitely becoming the place to go. In fact, Dorley's had been written up as the leader in bringing back the quiet jazz sound, the sound we had all heard in the background of the old movies on the TV late show.

Dorley's did not disappoint us. The jazz group was outstanding. The more I listened, the more I realized that it was the piano player who made the difference. His music had a clean sound, assertive but not overstated. His interpretations of some of the old standards, though clearly original, still struck one as definitive. What's more, he looked very familiar.

Suddenly I realized that it was Spiro Agnew.

I picked up my drink and walked over to the piano. It was Spiro Agnew, without any doubt. He was backed up by a bass, drums, and a very mellow electric guitar. Sitting on his piano was a large brandy snifter stuffed with five and ten dollar bills, obviously gratuities deposited by big spenders with special requests.

Spiro looked up and, without missing a note, invited me to sit down next to him. I had always been amazed by the ability of pianists in night spots to converse and play at the same time, even though I had seen it dozens of times on the late show. As I sat next to him on the piano bench, I was impressed once again with his effortless facility at the keyboard.

"Spiro," I said, "what have you been up to?"

"Oh," Spiro responded, "my group and I got tired of one-nighters, so we decided to play here on a regular basis." He shifted, effortlessly as usual, from *Deep Purple* to *I Can't Get Started with You*.

"You know," he continued, "I guess I first realized I could make a go of this back in '72. Nixon invited me to sit down and play something for the Shah during one of those White House dinners. Everyone there recognized that I played much better than Nixon. That really got Nixon furious, especially after the Shah said that nobody played my style of funky piano in Teheran. Do you know that the Shah invited me to play at his great blowout in Persepolis? That really drove Nixon up the wall, because he wasn't asked. I think all my problems with him started that night." And, without missing a note, he left *I Can't Get Started with You* and moved right into *I Wish You Love*.

I was impressed, because not even Georges Feyer or Peter Duchin could negotiate the transition between those two tunes with such grace.

The guitarist took a few bars as Spiro took two sips from a glass of ginger ale supplied by a waiter. Then Spiro sang: "Good-bye, no use leading with our chins, this is where our story ends, never lovers, ever friends. Good-bye, let's call it a day,

but before you go away, there's one thing I want to say...." And with that, he motioned to the crowd to join in; they responded with the first verse: "I wish you bluebirds in the spring, to give your heart a song to sing, and then a kiss, but more than this, I wish you love."*

The crowd continued to sing on its own, and Spiro said to me, "That's a terrific lyric!" He punctuated the lyric with a run of sevenths that was marvelously appropriate. Then Spiro took the solo: "My aching heart and I agree, that you and I could never be, so with my best, my very best, I set you free."*

And the crowd joined in: "I wish you shelter from the storm, a cozy fire to keep you warm, but most of all, when snowflakes fall, I wish you love."*

The applause had not yet died down, but Spiro had already shifted from *I Wish You Love* to *Candy Man*. "It's all a matter of knowing the basic chord structures," said Spiro. "Once you've got them down, you can play practically anything."

We were joined at the piano by a lanky fellow who spoke with a pronounced Oklahoma accent. "Spiro, old buddy," he drawled, "we met a few years back at the annual dinner of the American Petroleum Institute."

"Right," Spiro nodded.

"My wife and I were wonderin' if you would play something to remind us of the old days," continued the Oklahoman. "What about *Danny Boy*?" He slipped a twenty in Spiro's brandy snifter.

"You bet," winked Spiro, and he eased into *Danny Boy*, giving it country and western overtones that brought a smile to the face of the Oklahoman.

"Their eyes always light up when I play the old tunes," said Spiro. The waiter brought another glass of ginger ale and, by now, Spiro was into the first few bars of *I Left My Heart in San Francisco*.

"Spiro," I said, "you play with great expressiveness. You really feel the music."

"Well," said Spiro, "the fact is that I've suffered. I've been through it. Even the black musicians admire the way I play the blues." And with that, he went into *Sometimes I Feel Like a Motherless Child*. As soon as he had finished that great standard, he sang again, this time in a voice that convinced all of us that Louis Armstrong himself was in the room. It was that great favorite, *Nobody Knows You When You're Down and Out*. The crowd applauded.

"I really used to break them up when I'd do *I've Got a Right to Sing the Blues*," Spiro remarked, "but we don't play that tune any more. One of my old friends, Chuck Colson, told me it smacks of self-pity."

Then and there, I realized that Spiro had paid his dues.

My mind must have been wandering, because, when I next heard the music, Spiro was already in the middle of *Bridge Over Troubled Water*. As his hands moved gracefully over the keys, Spiro reminisced. "In the old days," he said, "I never related to the contemporary tunes. I guess it was Nixon's influence. He and Pat would get down in the dumps and they would ask me to play some Harold Arlen. Their favorite tune of his was *Come Rain or Come Shine*. It used to perk up their spirits. Sometimes Bob, and all those guys named John, the lawyers, the accoun-

* "I Wish You Love," written by Charles Trenet; MCA, Inc., publishers; Copyright 1955.

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tants, Manolo—everybody—would join in on the last line, 'I'm with you, baby, I'm with you rain or shine.'† Now, I've outgrown that kind of stuff."

I had to agree. Spiro's playing had a touch of genuine elegance; it was far more sophisticated than his old East Room style.

I complimented Spiro on his playing and told him I'd been away from my table too long and had to return to my guests. Without missing a note, he managed to shake my hand and remind me that his group had cut an album for Capitol Records. I made a mental note to pick up a copy because I wanted to reproduce the warm atmosphere of Dorley's in my own living room.

"Remarkable," I said to my guests when I rejoined them, "the man's a real individual."

We stayed for Spiro's next set and we would have stayed even later, but it was almost 2 a.m. I asked for the bill. I usually pay cash, but this time I tossed my American Express card to the waiter because I wanted the receipt as a momento of that extraordinary evening. As I tipped the waiter, I remembered that I had forgotten Spiro's brandy snifter. I returned to the piano and, not to be outdone by an Oklahoman, I dropped in a twenty of my own.

"Take care, pal," said Spiro.

By the time we reached the door, Spiro and the group were well into *To the Good Life*. □

†"Come Rain or Come Shine," music by Harold Arlen, lyrics by Johnny Mercer; Chappell Publishing House, publishers; Copyright 1946.

Edward Alexander

Twenty-Four Hours with the KGB

A holiday in the Soviet Union becomes an ordeal of harassment for two Jewish visitors.

My wife and I arrived in Moscow at 9:30 p.m. last December 16 for a long-planned holiday. The customs official who searched our bags became irate on seeing an issue of *Hadassah* magazine and summoned two other officials, apparently experts on "the Jewish question." One took the magazine away and later returned with a form in Russian which he ordered me to sign. When I asked for a translation, he said the form merely acknowledged that we were surrendering a piece of "anti-Soviet propaganda." I refused to sign unless the form was translated. The officer shrieked with indignation, but eventually left with the magazine and the unsigned form.

In the meantime the customs official had taken from our bags all books treating Jewish subjects and all items showing Hebrew lettering or the symbols of the menorah and star of David. After two hours of searching, we were told, at 11:30, to repack and proceed to the Intourist area of the airport, where a car would come to take us to our hotel in Moscow. We sat there until midnight, but no car ever came. Instead, a man in civilian clothing arrived and ordered me to accompany him for "discussion of some problems." My wife Leah was not allowed to accompany me.

I was taken to a room at the opposite end of the airport for interrogation. "Look," began the interrogator, "we know who you are and why you've come here. You've come to attend this damned symposium on Jewish Culture, and that is why you've brought these Jewish and Zionist craps [sic] with you." (This reference to "Jewish and Zionist craps" was repeated a dozen times during the ensuing hours.) I told him that I had never been invited to the symposium but had certainly read about it in American newspapers. I asked him why the mere suspicion that somebody might attend a cultural symposium should so agitate him. He replied (and repeated often during the night) that it was his job "to protect Soviet citizens from being endangered by anti-Soviet propaganda." I asked him explicitly whether study of the Hebrew language was against Soviet law, and he replied: "Of course it is." (He had himself apparently violated this "law," for during the long night he made a great display of the Hebrew phrases he had learned.) When I remarked that suppression of cultural exchange and symposia constitutes gross violation of the Helsinki accords, he replied: "Never mind Helsinki. When in Rome, do as the Romans do. You've heard this expression?"

After 45 minutes of this, we returned to the waiting room, where my wife was, for a second search of the luggage. When, however, he began talking about a body search of my wife "to find addresses," I insisted on calling the American Embassy. He slammed the suitcases shut, and said the Embassy would be indifferent, but did take me back to the interrogation room to phone. At 1 a.m. I reached the Consular Duty Officer, Larry Napper. He was sympathetic, but told me that Soviet officials were totally arbitrary, made their own rules from day to day, and considered the Helsinki accords a joke. He told me that eventually I would have to surrender all Jewish materials, but that I should demand an itemized receipt. When I told him about the threatened body search of my wife, the Russian screamed, "you're a liar!" Napper then asked to speak to the Russian, who—very unwillingly—took the phone and soon began to shout at Napper in Russian. All I heard him say in English was that "it's my job to protect Soviet citizens from anti-Soviet propaganda." He refused to identify himself at any point. When I got back on the phone, the Russian began waving his arms and shouting that "I can't waste any more time on this, you've had your last chance!" After I hung up, he desisted in his earlier attempts to have me sign a "confession" and took me back to the waiting room, where my wife still was.

Three border police arrived to help him with yet another search of our belongings. During this process, which lasted from 1:30 to 3:00 a.m., everything of Jewish content was confiscated and itemized. This included my old prayer book, a menorah, a scarf with Hebrew letters on it, a few paperback anthologies of short stories, and some Hebrew language texts.

At 3:30 a.m. we were taken from the airport about 200 yards across the road to a dilapidated, dirty building referred to as a "transit hotel." We were, without benefit of any explanation, put into a room with two beds and an old wardrobe. We slept until 5:30 a.m. Having eaten nothing since arriving in Moscow, we tried, at about 7:30, to get breakfast, for we were still under the illusion that we *were* in some sort of hotel. It was then we discovered that we were in fact *locked* onto the second floor and could leave neither it nor the building. We were told we would be taken to the airport for breakfast at 10:00. At ten, an Intourist woman of exemplary rudeness arrived with a soldier to escort us to the airport. She would answer no questions at all, claiming not to understand English.

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She put us in the custody of a group of border guards gathered near Passport Control. There we sat for ninety minutes, having been denied permission to call the American Embassy or even to move about. At 11:30 we were permitted to buy breakfast (with dollars). At 12:15 the chief of Passport Control collected us and turned us over to the Intourist woman and the guard.

She now surprised us by supplying the phone numbers of the American Embassy and (suddenly recovering her English) told us we could phone from the "transit hotel." This was a formidable task because she persisted in shouting to her cronies whenever I spoke, and the line itself was constantly crackling with noise. Napper, astonished to learn we were still at the airport, informed me that we were in "the lock-up" and promised to look into the case at once. Contact was always difficult because nobody would give him or us the phone number of the lock-up, so that I had always to run a sort of gauntlet in order to phone him, which I did at hourly intervals through the afternoon. At 2:00 he told me that the matter was more complicated than he had thought because the Soviet Ministry of Foreign Affairs was involved and considered ours a "quasi-criminal" case.

My last call, at 4:45, was answered by Napper's secretary, who told me he had gone out to the airport. (We were, however, never to see him because—so we subsequently learned from him—he was detained for two hours at the airport and told lies regarding our whereabouts.) At 4:55, two Intourist women and two border guards came to the door of our room and told us we had "five minutes to pack and leave for London." My wife asked, might she use the bathroom? No. May we eat? No, there will be time at the airport. Although we had a great deal of luggage with us, and had slept and eaten hardly at all since leaving Seattle, we were made to carry everything out of the building by ourselves—doors slamming on us all the while—and then over the ice 200 yards back to the airport. We were brought to the British Airways desk at about 5:20 p.m. and spent a full hour there until a group of five men appeared, forming a protective circle around two small plastic bags which contained—not explosives, but the items that had been confiscated the previous night. We were, of course, never allowed to eat, to use the bathroom, or to get our unused vouchers endorsed for refund. When the books and religious articles were returned, we tried, despite the incessant screaming and badgering, to see whether anything was missing. Everything had in fact been returned except one book and *Hadassah* magazine. At 6:20, we were taken by a border guard to the outermost boarding area of the airport and there made to wait, with him, in sub-freezing temperature, until 8:30, when we were put on the plane to London.

Humanly speaking, there was no glimmer of light in all this darkness. We felt immersed in a sea of hatred and fear. We met no upsurge of humanity or even humor in any of the Russians who dealt with us. Yet we did see a sign from a realm not yet under Soviet control that the Jewish conspiracy may be more pervasive than even the KGB imagine. As we were led through the snow, my wife showed me that every single snowflake fallen on my dark coat was a perfect, six-pointed figure, the ubiquitous star of David. □

BOOK REVIEW

The Mirage of Social Justice

F.A. Hayek / University of Chicago Press / $10.00

Karl O'Lessker

It was Gregory the Great or one of his early successors who likened philosophy to the croaking of frogs. That burst of irritation was occasioned by the latest in a seemingly endless succession of fashionable semantic disputes in Imperial court circles in Constantinople—at a time when Western Civilization was crumbling and the Pope struggled almost alone to shore up its ruins against the enveloping darkness. Today we may or may not be standing on the threshold of a new Dark Age, but I count it as wholly justified when exasperation gets the best of us as we listen to the croaking of intelligent, highly educated frogs who ought instead be helping us to check the wiring and screw in new light bulbs.

These unhappy reflections arise from reading the new book by one of our century's greatest political economists, Professor F.A. Hayek. Entitled *The Mirage of Social Justice*, it is Volume 2 of "a new statement of the liberal principles of justice and political economy," the full title of which is *Law, Legislation and Liberty*. Volume 1, into which I have only recently looked, is called *Rules and Order*, and appears to be even more tedious than its successor. Volume 3 is scheduled to appear as *The Political Order of a Free Society*, a title which, had I not read the present work, would have aroused expectations of a masterpiece, a true *summa* of this Nobel laureate's maturest thought. My optimism now, however, is best described as guarded. For certainly the title of the work under review promises, but does not deliver, the kind of thinking we so badly need and which Hayek is so superbly equipped to offer us. Instead, so infrequently does his analysis touch the teeming earth of real men and women that one can only suppose he deliberately chose to round off his distinguished career in this relentlessly academic fashion. But why? Why, after a lifetime of the most trenchant analysis of the clear and present dangers of collectivism, has this great man committed his precious remaining years to so arid and unprofitable an exercise? No doubt he enjoys some satisfaction from scoring points off an old antagonist, Hans Kelsen, whose "positivist" theory of law he evidently loathes beyond measure. But the rest of us may be forgiven for caring a great deal less about the definition of "law" than about the kinds of laws that have actually been passed.

It is in the opening chapters particularly that Hayek gives himself over with a kind of passionate abandon to pursuit of Perfect Definitions, slipping in and out of reality as a post-operative patient slips in and out of consciousness. Law "is" this-or-that, he often says, when in fact he means that, ideally conceived, law would be such-and-such. And he speaks of the motives and intentions of "lawmakers" who, in their disinterested quest for justice, never have existed and almost certainly never will. Perhaps Hayek was at all times clear in his own mind as to when he was being normative and when descriptive; but he neglected to make the distinction clear to his readers. Or to put the matter rather differently, I am inclined to believe that while the House of Philosophy has ample room for the Is, the Ought-to-be, and the Perhaps, it has none at all for the Wouldn't-it-be-nice-if parading around as the Higher Reality. But Hayek seems indifferent to the distinction.

And if it is difficult to know what to make of a work of political philosophy that at almost no point has anything to do with politics, it is even more difficult to account for a discussion of economic philosophy—by a Nobel laureate in economics—that has only the faintest relevance to economics.

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Consider one of the central propositions of the entire book, Hayek's insistence that "the impersonal process of the market...is a procedure which...*in all important respects* (except that normally it is not pursued solely as a diversion) is *wholly* analogous to a game, namely a game partly of skill and partly of chance." (Emphasis added.)

Now, the business of earning a living may seem like a game to internationally famous university professors, but to the great mass of humanity, even in the relatively affluent West, it is *in fact* nothing of the sort. Among the several fatal flaws in Hayek's analogy let me cite only three. First, unlike a real game, we enter the economic "game" on radically unequal terms. The child born into a peasant or unskilled-laborer family has virtually no chance to compete in any meaningful sense with the child of a merchant or professional family; to suggest otherwise is as heartless as it is false. Second, we normally have free choice as to whether or not to participate in a real game; and most of us would vehemently decline to enter a high-stakes game of pool with Minnesota Fats or a foul-shooting contest with Pete Maravich. But in the market "game" no such choice exists. We are thrown into it as gladiators into an arena, and for stakes as high as survival itself.•

The third fatal flaw in the analogy is in some respects the most troubling, because it betokens so broad and impenetrable a blind spot in Hayek's conception of the social order. The problem is this. *All* games are played within a delimited space according to known or ascertainable rules by a fixed group of players who have assented to those rules, and while it is in progress the game is a world unto itself. But the market "game" is simply not distinguishable in that sense from its environment. Religion, culture, above all politics (to cite only a few of the myriad externals) penetrate and distort it almost, at times, beyond recognition—rather as if football players were able to jump into a soccer game, bringing their own rules with them and being careful only to avoid the baseball players who are taking batting practice at midfield and becoming increasingly restive under the taunts of hordes of officials who keep changing the rules. Not chaos, exactly, but perhaps closer to it than to the ordered patterns of anything we should rightly call a game.

And this of course is the problem of reasoning from false analogy—as Aquinas pointed out some few years ago. If we so grossly misconceive those economic aspects of the total social order as to denominate them a "game," we simply lose the capacity for anything but a kind of arid technical analysis or hapless moralizing; certainly we are no longer able to think rigorously about real-world economic phenomena.

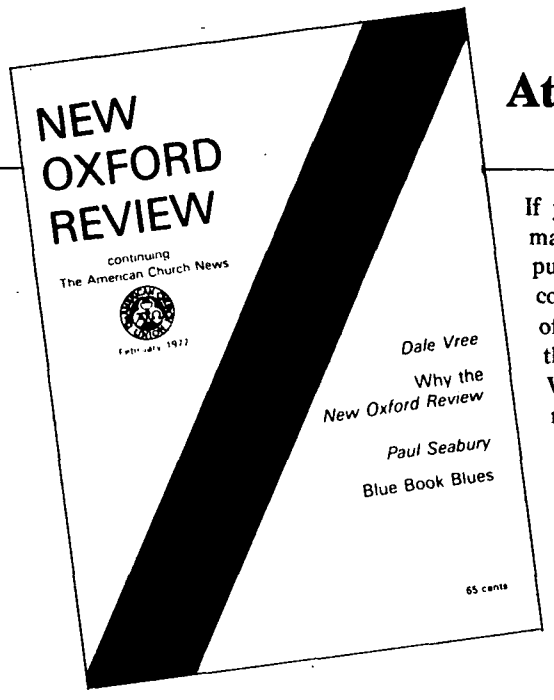
Not surprisingly, therefore, Hayek's discussion of the market order itself is not very helpful. One wonders what he thought he was adding, in this new book, to the substance of those great essays in political economy, *The Road to Serfdom* and *The Constitution of Liberty*. Since they were written, state interventions in national economies have proceeded apace in the so-called Free World. Moreover, a number of separate but greatly portentous developments have occurred in that interim the consequences of which cry out for analysis; to cite only four, consider the environmental movement, the proliferation of computers, the rise of multinational corporations, and the huge increases in the price of energy, especially of oil. Hayek may well argue, of course, that his concern in this book is with *principles* and that these are unaffected by the developments I cite. Perhaps so. My own view is, if political and economic principles require no reconsideration in the light of mammoth new facts, then they must be almost empty of content; and at the very least we are entitled to wonder why the author felt constrained merely to reiterate a set of principles which he explicated so brilliantly nearly twenty years ago.

It goes without saying that no book by Hayek can be entirely worthless. His chapter entitled "'Social' or Distributive Justice" contains a number of splendid insights, of the kind we have come to expect from our premier free-market theorist. It should not be surprising that these occur at points at which his attention skirts nearest the real world. The demand for "social justice," he remarks,

> seems in particular to have been embraced by a large section of the clergy of all Christian denominations, who, while increasingly losing their faith in a supernatural revelation, appear to have sought a refuge and consolation in a new "social" religion which substitutes a temporal for a celestial promise of justice, and who hope that they can thus continue their striving to do good.

And a few paragraphs later he adds the sober judgment that "the prevailing belief in 'social justice' is at present probably the

• To make these points is not to argue that it is possible or even desirable to establish a system in which everyone enters the competition for material goods on very nearly equal terms. In my own judgment, the effort to do so would at best be self-defeating, at worst catastrophic. But proponents of the free market system ought at least have the grace to avoid false analogies which serve to demean the weak and congratulate the strong.



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gravest threat to most other values of a free civilization." Unfortunately, however, he does not develop this enormously weighty proposition but returns instead to the kind of semantic querulousness that occupies most of the book.

The closest approach to a factually relevant sustained argument comes in the final chapter when he raises what must really be the fundamental question for inquiries of this sort: can the free market survive in a democratic system of government? In another recently published book, *The Social Limits to Growth*, Fred Hirsch argues that the three great commitments of nineteenth-century bourgeois society—to private property, to expanded participation in democratic government, and to income inequalities deriving from a market economy—were an inherently unstable set. "Any two of these characteristics might be compatible," Hirsch insists; "the three together were not."

Hayek appears to understand this, especially in the following passage:

> But a government dependent on public opinion, and particularly a democracy, will not be able to confine such attempts to supplement the market [i.e., minimum welfare for the needy] to the mitigation of the lot of the poorest...[It is] certain to be driven on by the principles implicit in the precedents it sets. By the measures it takes it will produce opinions and set standards which will force it to continue on the course on which it has embarked.

That is true and important, though I should have been happier if he had at least sketched in the dynamics of the process rather than merely referring to the driving force of principles, a highly speculative agent at best. Yet even this insight is marred by the faulty, clearly aprioristic, historical account which leads up to it. The subtitle of the preceding section reveals the fallacy: "From the care of the most unfortunate to the protection of vested interests." For in fact it was quite the reverse, at least in the United States and probably elsewhere as well: the Federal government's earliest altruisms were directed toward the "vested interests," in the form of what we have come to call "distributive benefits" (primarily subsidies). These began to appear as Public Laws in our earliest Congresses. But it was not until the Great Depression of the 1930s that Washington began to concern itself with the poor and to enact income support programs of one sort or another. So the sense of Hayek's proposition remains true—once a democratic government starts handing out goodies it will find it almost impossible to refrain from widening the circle of beneficiaries—but the actual historical process he has got backwards. And the problem with that is that defenders of the free enterprise system are all too likely to draw the wrong moral from a story that has not quite yet arrived at its *dénouement*.

The question remains: is the free market compatible with democratic government? Hayek seems unwilling to confront it squarely. At one point he even permits himself the pious belief "that 'social justice' will ultimately be recognized as a will-o'-the-wisp"—a recognition which would then presumably permit us to return to a much freer, if not altogether free, market. But of course he offers no evidence or reasoning to support that gentle hope. One assumes he figures that philosophical treatises of the sort at hand may help to persuade men of the desirability of abandoning their present course and returning to the disciplined way of the market.

My own view, to the contrary, is that if indeed Hayek had any such instrumental aim in mind he would have done far better to give us a fully revised edition of *The Road to Serfdom*. The present work, instead, a hodge-podge of scattered *aperçus* amidst a desert of tedious semantics, will only bore the uncommited and exasperate the faithful—who, Lord knows, have quite enough to be exasperated about in the darkening world. □

BOOK REVIEW

Simone Weil: A Life

Simone Pétrement / Pantheon / $15.00

Anne Crutcher

In a sense, it is because she was such an anachronism in her own time that Simone Weil is still news in ours. For all the power of her mind and personality, she might have been no more than another Simone de Beauvoir, full of trendy glooms and grievances, had she not been so out of phase with her surroundings.

As it was, a temperament from an alien moral milieu animated the mind and will, and it was given to Simone Weil to see and bear witness to verities not commonly understood by the best people during her lifetime. Or, for that matter, in the years since 1943, when Simone Weil died at 34.

She was, of course, cast in the mold of a 14th-century saint of the more intellectual sort—a Catherine of Siena, if you will. She was inclined by nature toward discourse on eternal abstractions, toward mortifications of the flesh, and toward an overpowering concern for human suffering. Born into a cultivated Parisian Jewish doctor's family in 1909, she had to find 20th-century substitutes for the self-immolations the medieval Christian world would have made so convenient.

A combination of radical politics and French patriotism supplied the framework through most of her life. Ironically, it was only in the last two years that she began moving toward the church that would have been so natural a context for her preoccupations in another era. The child of a profoundly secular environment, she had never prayed until 1941, and, even though, from then on, her intellectual and spiritual life was increasingly Catholic, she never actually entered the church.

What scruples kept her from it even Simone Pétrement, her longtime friend and biographer, does not know. The only hint of them is to be found in Simone Weil's statement that she was readier to die for the church than to enter it because "dying doesn't commit you to anything."

The death she did die may or may not have committed her to anything, but it was rich in medieval overtones. The coroner ruled it suicide by voluntary starvation. While Simone Pétrement does not think her friend willed her death, she admits that it was the logical outcome of years of not eating, coupled with other self-imposed hardships.

First the non-eating was explained as a desire to share the sufferings of the oppressed around the world. Then it became a determination to eat no more than the ration in Nazi-occupied France. Finally, it was to live on as little as the prisoners in concentration camps.

The overwork which undoubtedly contributed to Simone Weil's early death began as an understandable and attractive aspect of her radicalism. She wanted to know what it was like to be one of the factory workers she and her communist friends were so eager to help. She spent a year working in an automobile factory. Then she became an agricultural laborer on the same grounds. All very strenuous

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for a frail woman who ate almost nothing, suffered from crippling migraines, and smoked a lot.

She could not explain why she slept on the floor when there was a bed available. She did not try to explain why she continued to wear sandals that made her feet and ankles bleed.

Present-day medicine, needless to say, has words for this. "Anorexia" would take care of her eating pattern and "masochism" could be brought into service for the rest.

Indeed, for those inclined to psychiatric condescensions, Simone Weil was a clay pigeon. There was also the matter of her sexuality, or lack of it.

Like many a high-spirited girl of conspicuous intelligence, she wished she had been born a boy. Having a congenial older brother was undoubtedly a contributing factor, but family partiality does not seem to have been involved; actually the Weil parents and children were all exceptionally harmonious throughout Simone's life. Among the ironies of her biography is the fact that a person as unusual as Simone Weil never got into any family conflicts about being different.

Precocious intellectual development and a conviction that she was ugly were the ostensible reasons for her to decide she would postpone indefinitely any thoughts of love. The rejection was so strong, however, that one is tempted to look further. Simone Weil began as a lycée student to dress in a style that can only be described as masculine-neuter. None of your fancy unisex coquetries—the word is "neuter."

On one occasion, she did have a sort of skirt version of a man's tuxedo made to wear to the opera, but, most of the time, she wore nondescript proletarian garments, flat shoes, wild hair, and big, round glasses that dominated her small face. The point seemed to be to make sure no man—or, for that matter, woman—ever thought of her as a sexual being.

And she, the pacifist, the willing sufferer, admitted that she would kill to avoid rape.

Thanks to the multiplicity of detail Simone Petrement has amassed about Simone Weil's life, it's possible to look a little more deeply into these patterns and to see, if not causes, at least provocative sequences of development. It is even possible to discern linkages between Simone Weil's inhibitions about eating and the revulsion sex aroused in her—sex for herself, anyway; she was entirely tolerant of what other people did in that area.

When she was a baby, her mother had an illness that disturbed her feeding routines and, for a time, the infant Simone became so frail that doctors did not expect her to survive. Later, as a little girl, she showed an extreme form of the squeamishness many children feel about food.

"My disgustingness," she called it. It made her shrink from many kinds of food, from much food of any kind, and from food that was in any way marred. The lumpy sauce, the apple with a spot on it, the soup with a drop of grease floating on top—her whole being cringed.

She showed the same preternatural sensitivity to being touched. When a child in an affectionate family is reluctant to receive even a mother's kisses, it is less of a surprise to discover what might be called pathological chastity in the young woman she becomes. No wonder Simone Weil, the young philosophy teacher and political agitator, was known as "the red Virgin."

Was it some subtlety of innate biological endowment? Was it physical or psychic conditioning? Whatever was responsible, it was clearly a current that ran deep. Juxtaposed with a strong will and an enterprising soul, it was the stuff of saintly self-denials.

The enterprising soul manifested itself as early as the great intelligence. As a small child, Simone Weil dreamed of greatness—never mind what kind. She was in despair when she lost out in competition with her equally gifted brother; in even greater despair when she decided for her own reasons that she did not have first-rate talents. She expressed the unique blend of striving and self-sacrifice that suited her character when, at 16, she wrote an essay on the story of Elsa and the wild swans. Elsa, forbidden to speak while she wove the shirts that would free her brothers from the enchantment that had turned them into birds; Elsa continuing the work to the foot of the scaffold. That was Simone Weil's way. Whatever she did, she wanted to take it to the frontiers of possibility.

From her lycée days on, she was as much of a café talker as any French intellectual, but, unlike her contemporary, Simone de Beauvoir, she never became entirely a creature of words. Simone Weil's ardent spirit craved the fullness of experience beyond theorizing. This was why she went to Spain as a journalist, why she worked in the factory and on the land, why she tried to take an active role in the French resistance in World War II.

The difference between her and Simone de Beauvoir came through in an exchange when they were both students. Simone Weil declared that the only thing in the world that mattered was the revolution that would feed the starving. Simone de Beauvoir replied that the problem was not to make men happy but to explain their existence. Simone Weil finished the encounter by saying "It's easy to see you have never gone hungry."

Actually, Simone Weil was enough of a talker to take on Trotsky himself. He found her a hopeless reactionary, bent on what he called "defending your personality."

Perhaps that was the best summing up of her differences from the other communists of the time: her self-sacrifice, even her way of submitting to disciplines of mind and body always left that untouchable core of selfhood. The 14th-century saint again, reserving the soul for God.

It made her too respectful of other people's individuality to accept communism's inhuman social engineering. It made her too humble to believe human intelligence could make utopia come true. It made her too sure of herself to be swept away by the tides of fashionable doctrine. Interestingly enough, her employer when she worked in the vineyard cutting grapes summed up his impressions of her by saying simply "She had a lot of self-respect."

Some of that self-respect Simone Weil owed to the superior intellectual training she got at the Lycée Henri IV, where the great Alain taught philosophy. He taught her to balance intelligence and will in refining judgment. He directed the early approaches to truth through self-discovery which freed her to go on beyond his rational deism to the more mystical understandings of her later life.

There is no greater measure of Alain's influence on Simone Weil than a letter she wrote to the official in charge of Jewish affairs during the Occupation. Challenging his ability to define a Jew, she said of herself that she had no cultural ties with Judaism but considered herself entirely a product of French, Hellenic, and Christian traditions. She was in no way trying to deny her technically Jewish origin, but it was clear that her education as well as the secularism of her family had made her wholly non-Jewish in outlook and psychology.

Here again, Simone Weil's strength and individuality transcend the easy categories. Had she been the neurotic martyr some people would like to make of her, what easier way to do it than by allying herself with the fate of the Jews in World War II? But her mortifications, serving private purification needs, were never obvious or sentimental. The one shortcoming of Alain's philosophy, she said at the end of her life, was that he made too little provision for pain.

Perhaps she made too much provision, but, for an age as confused as ours about the values of any kind of restraint and discipline, her experience has something to say. Particularly since the same out-of-season inclinations and capacities made her so perceptive about aspects of human nature and society that our times are myopic about.

Liberal idealism as well as communist idealism was punctured by her casual observations of human nature at leisure. Take away the necessity for work, she said, and people will take up the one sport that really inflames them—struggles for power. And then there will be compulsory labor again in the arms race.

It was our good fortune that this extraordinary being was born out of her time. It's our further good fortune that she had a friend like Simone Pétrement to give us the details with such painstaking completeness. □

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BOOK REVIEW

Public Persons

Walter Lippmann / Edited by Gilbert Harrison / Liveright / $7.95

Joseph P. Duggan

For most of the century, drowsy Americans observed a rite of daybreak: Coffee to open the eyes, a newspaper to show forth the world. And then Walter Lippmann to bring the murky picture into focus.

In our iniquitous times the mainstays cannot endure. Coffee and metropolitan dailies are in dwindling supply, and Lippmann has fallen to the reaper.

Lippmann's writings have endured, however. His *Preface to Politics* and *Public Opinion* have become classics, and now Gilbert Harrison brings us *Public Persons*, a collection of short biographical pieces from Lippmann's writing for newspapers and magazines. And though the modest Lippmann (he called his profession "newspaperman") didn't look to himself as a writer of biography, to say less of autobiography, we ought to look carefully at *Public Persons*. Through the well-sketched portraits of public lives we can catch glimpses of the author's own remarkable career.

The setting for our first glimpse is Harvard, 1910. Lippmann graduated that year with highest honors in a class that included T.S. Eliot and Heywood Broun. In the early pieces Lippmann wrote with a truth-seeking avidity proper to his station as an undergraduate in philosophy, an avidity that was never to leave him though he grew old and sage. Here we see a warm and rich appreciation of George Santayana by his pupil. And here we note young Lippmann's flirtation with Lady Trend: a fleeting membership in the Harvard Socialist Club, a brief association with the grand muckraker Lincoln Steffens.

In 1914 Herbert Croly recruited Lippmann for the original staff of the *New Republic*, and in 1922 Ralph Pulitzer coaxed him to New York to run the *World*'s editorial page. These were Lippmann's "progressive" years, when he spoke up with early acclaim for Freud's insight, chuckled at Harding's "simple faith that any deserving fellow can do anything," and stood mildly in thrall to H.G. Wells. William Jennings Bryan's passing in 1925 gave Lippmann the rare occasion to speak ill of the dead: "It would be insincere to write as if we thought any better of Bryan's career now than we did a week ago. His death does not alter the record; to convert the sympathy we feel for his family and friends into any sort of pretense that we think he was a good influence on his generation would be to rob a thirty years' struggle of its meaning." Shambuster Henry Mencken earned favorable reckoning: "I feel certain," Lippmann wrote during Mencken's salad days, "that insofar as he has influenced the tone of public controversy he has elevated it."

By the time the jazz subsided and gin was potable again, Lippmann had attained middle age and universality. He was the columnist's columnist, carried in syndication from cowtown to milltown across the land. And he was no longer clearly to be pegged a man of the Left. Presidential candidate Franklin D. Roosevelt was in Lippmann's view "no tribune of the people. He is no enemy of entrenched privilege. He is a pleasant man who, without any important qualifications for the office, would very much like to be President." Had Lippmann his druthers the 1932 nomination would have gone to Newton Baker, or better, to an incumbent Al Smith. Lippmann soured to the New Deal, but rallied to the support of Roosevelt's war policies. By 1938 the former young socialist of Harvard was in league with Friedrich Hayek and Raymond Aron at a European conference "pour la Renovation du Liberalisme," and at war's end, Lippmann joined with the classical liberal intellectuals who formed the Mont Pélerin Society.

The 1950s, so much in vogue among revisionists these days, are represented in this collection by a gaping lacuna. *Public Persons* offers only one piece of Lippmann's from those years, and that on Harold Ickes, a figure whose career had ended before the fifties began. What a decade it was—a frightful time that gave even Zero Mostel the jitters. It was a time, the conventional wisdom tells us, when America's youth were pimply, soda-slurping jingoes duped by the sinister Joe McCarthy and lulled by the devious Ike. The dreary decade did not perturb Walter Lippmann, however. For him the fifties were years of vigorous activity and of pronouncements both political and philosophical. He denounced McCarthy but made no apology for Stalinism; he deeply admired Adlai Stevenson but stung Stevenson

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nonetheless with an endorsement of Eisenhower; he published *Essays in the Public Philosophy* which, to the consternation of his old intellectual comrades, affirmed the existence of God and presented a case for natural law. It would be illuminating to read Lippmann's assessment of Stalin or Taft or Eisenhower or McCarthy, but no such assessments are collected in *Public Persons*.

Lippmann passed on to graceful old age and death without gaining a cult following. He had won his lifelong struggle against fitting the neat ideological patterns. A true specimen of Lippmann's independence is the book's last essay. Beginning as a rhapsody to Eugene McCarthy, whose challenge to President Johnson's Vietnam policy Lippmann admired, it ends with the hope that the Johnson administration "be ousted by a rejuvenated Republican party." The two-party system as Lippmann envisioned it was an instrument of conscience.

While Lippmann's writings cannot be looked upon as oracular, they deserve attention from those who would take part in public discourse, and especially the younger generation that missed Lippmann the first time around. He wrote clean prose without glitter or fuzz. He made distinctions, separating, for instance, news from truth. The former he saw as the signalizing of events (or worse, sometimes, the telling of hearsay), while the latter was approached by analyzing both deeds and ideas. Above all he respected the privacy of public persons. Walter Lippmann's *Public Persons* may lack some of the color of anecdotal writing, but it is a refreshing break from the dressed-up gossip that struts about today and calls itself journalism. □

BOOK REVIEW

Spiritus Mundi: Essays on Literature, Myth, and Society
Northrop Frye / Indiana University Press / $11.50

John P. Sisk

Spiritus Mundi, a gathering together of twelve of Northrop Frye's most recent essays, comes with the author's promise that the individual pieces, despite differences of occasion and time of composition, "possess a unity and can be read consecutively." Of course, authors always say this about their collected pieces: who wants to believe that his incidental figures, however put together, do not make a whole carpet? The really startling thing would be twelve essays by Frye that failed to convey a unity of theme and tone regardless of the order in which they were read.

The tripartite grouping of the essays in this collection is, nevertheless, structurally important and is, no doubt, an indication of the best way to read the book. "Contexts of Literature," the first four essays, is largely concerned with the nature of the university, the threats to its proper function, the place of the humanities in relation to the sciences and the social sciences, and the nature of the changing vision of the universe in which the university exists. The second group of four essays, "The Mythological Universe," is perhaps the most tightly unified. It brings together what might appear at first glance to be an unlikely combination of subjects: Blake, Sir James Frazer, charms, riddles, Darwin, the Elizabethan masque and antimasque, Old and New comedy, and Spengler's *Decline of the West*. In the third section Frye takes on Milton's *Samson Agonistes* and *Paradise Regained*, Blake's illustrations for *The Book of Job*, Yeats' *A Vision*, and Wallace Stevens' letters and *Opus Posthumous*.

My guess is that most people who read this book will be most interested in the introductory essays of the first two sections, which, says Frye, "might be described as autobiographical." But here readers who have learned from Frye to think of autobiography as a form of fiction may need Frye's own caveat: "I have unconsciously arranged my life so that nothing has ever happened to me, and no biographer could possibly take the smallest interest in me." Nevertheless, these essays include items of considerable interest for the student of Frye's work, if not for the biographer that may never be: that a Maoist pamphlet once described him "as the high priest of obscurantism"; that he went through a long period of neurotic fear of being confronted with proof that his publications had been plagiarized from work he had either not read or had forgotten; that he has an introverted temperament and indolent habits; that when he published his study of Blake thirty years ago he knew nothing of myth criticism; that "the voice of music" is central to his conception of literature; that despite his antagonism to the Vietnam war and to racism, he had little sympathy for the activism of the late sixties and early seventies; that he is puzzled by the fact that Spengler, a writer antipathetic to him, has had such a formative influence on his thinking.

Indeed, as Frye says, "there is always a sense in which criticism is a form of autobiography," and one of the most important revelations the critic-autobiographer can make is that of the guru or spiritual preceptor to whom his criticism is at least implicitly dedicated. This can mean the personal dependence on a poet rather than another critic; however, it can also mean the personal apprenticeship of a poet to a guru poet, so that both critic and poet find their own voices in an organic tradition. Apparently Frye is closer to T.S. Eliot than to Harold Bloom, even though the latter's "anxiety of influence" may make him as much a loner as Frye claims to be.

The preceptor-apprentice relationship is developed in "Expanding Eyes," which may be read as the *apologia* of one of our most important critics. Frye remarks in this splendid essay how easy it still is to think of literary scholarship and criticism "as somehow sub-creative, in contrast to the 'creative' writing of poems and novels, as though creativity were an attribute of those genres rather than of the people using them." Certainly he has done his share to make it harder to think this way. The two autobiographical essays alone, with their comprehensive and witty grasp of the world of literature in its relation to the worlds of academe, politics, morals, religion, and myth, make it clear that an attempt to distinguish between literature and criticism at this level is to miss the point of both.

No one who writes English prose as well as Frye does is writing anything but literature. In one neat sentence he can throw unexpected light around a subject, as here: "*Waiting for Godot* is also, in one of its aspects, a parody of the vaudeville dialogues, the long shapeless rigmaroles which used to be packed around the 'feature film' of my youth." Or here: "Nothing *happens* in Plato until one person, generally Socrates, assumes control of the argument and the contributions of the others are largely reduced to punctuation." When such clarities are in abundance I can easily forgive him for devoting an entire essay to Yeats' *A Vision* —a work which, he confesses, "baffled and exasperated him for many years," and which continues to baffle and exasperate me even after he has written about it. □

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THE NATION'S PULSE

by

Peter J. Rusthoven

Mr. Carter's Foreign Policy

In its short time at the Nation's helm, the Carter Administration has already developed a certain reputation for shooting from the hip, particularly in the field of foreign affairs. The President himself set the tone at the very beginning of his term, in somewhat hastily designating Theodore Sorensen as his chosen director of the CIA. Mr. Sorensen had much to recommend his appointment, including a Kennedy pedigree, a fashionable degree of sympathy for the current wisdom that sees American intelligence as a force for evil in world affairs, and enthusiastic support among youthful Carter transition aides. Weighing against the choice were such trifles as the nominee's lack of experience, his status as a conscientious objector, and a mildly checkered record for personal ethical purity, revealed most clearly by Sorensen's draftsmanship of Teddy Kennedy's Chappaquiddick *apologia*. Enough disgruntled rumblings from narrow-minded members of the Senate, however, eventually proved fatal to the appointment. Mr. Sorensen was left to his law practice, while Mr. Carter was left to ponder the wisdom of too swift acquiescence to the advice of his eager novitiates.

Andrew Young, the talented but somewhat over-touted young Georgian selected by Mr. Carter to represent us at the United Nations, has also flirted at the edges of instant foreign policy. Presumably overwhelmed by the spirit of brotherhood that pervades the edifice of international community in Manhattan, Young casually opined one day that the Cubans were something of a "stabilizing force" in Angola. True enough, Mr. Ambassador—as one friend of mine has remarked, the Russians have proved rather a stabilizing force in Hungary and Czechoslovakia as well. Meanwhile—perhaps in an effort to curry additional favor with Young and thus contribute to a thaw in relations with his neighbor to the north—Fidel Castro has sent his legions into Zaire to spread yet wider the gospel of stabilization.

Young, however, is a mere novice in these matters compared to his subordinate, the well-meaning but guilt-ridden Mr. Brady Tyson. Mr. Tyson, while representing our land at a UN conclave in Europe, suddenly found himself suffused with remorse at our supposed complicity in the erosion of civil liberties in Chile. Yielding to a Christ-like impulse to effect propitiation for America's collective transgressions in this area, Tyson presented in our name a heartfelt apology to the world for Washington's sins of omission in dealing with Santiago. To his credit, Mr. Carter summarily recalled our young apologist for a short sermon on the limits of the latter's authority to offer saving atonement for the United States of America.

The Sorensen, Young, and Tyson episodes are disquieting less as discrete instances of bad judgment than as reflections of a certain casualness in overall approach to the conduct of foreign affairs. Mr. Carter, however, has emerged relatively unscathed from these incidents—although had they occurred under his immediate predecessor, one suspects our pundits would have fallen all over themselves in their eagerness to shout "clumsy" and "bumbling." Ironically, though, any number of commentators have voiced ponderous misgivings about Mr. Carter's supposed rapid-fire approach in another diplomatic context—namely, his outspoken criticism of violations of human rights by other governments, especially by the Soviets.

Mr. Carter's statements on this score, we are warned, bespeak an ill-considered tendency toward instantaneous and possibly presumptuous sermonizing. Moral preachments about domestic policy in Communist lands are cited as a potentially dangerous throwback to the discarded rhetoric of the Cold War. Moreover, according to some observers, such statements reveal a certain parochialism, and a lack of sophisticated appreciation for the different philosophical heritage of those nations in which the doctrines of Marx are currently paid homage. Finally, Mr. Carter's pronouncements are said to have jeopardized the progress of arms negotiations with the Soviets. Mr. Brezhnev's heated rejoinders, and the recent return of Secretary of State Vance empty-handed from Moscow, are put forth as specific evidence of this last danger.

This writer, of course, favors prudence in foreign affairs as much as the next man; and as indicated earlier, I believe the Carter Administration would do well to pay more attention to the need for circumspection in the diplomatic arena. In defense of the President, however, I also believe that the complaints being voiced with reference to his remarks about the oppressive regimes that currently dot the globe are so much bleat.

In the course of seeking what President Nixon labelled an era of negotiation rather than confrontation, we have displayed at times an inordinate sensitivity to the possibility of offending those with whom we negotiate, particularly the Soviets. Mr. Ford's reluctance to have Alexander Solzhenitsyn visit the White House is a prime example. To be sure, there is merit in attempting to reach reasonable accommodations with our adversaries, and giving pointless offense is rank stupidity. But any offense which Mr. Carter has recently given the Russians is, I submit, neither pointless nor stupid.

To judge our diplomatic efforts solely by such criteria as the number of agreements reached, or the number of confrontations smoothly handled, is to treat foreign affairs as a mechanistic exercise, devoid of substantive base or content. It is, in short, to ignore the moral aspect of American

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foreign policy. Quite simply, if our actions around the globe are to have meaning and purpose, recognition of that aspect is vital, particularly in an age when so many governments seem bent on proving George Orwell an accurate prophet. To embark on a senseless crusade is one thing; but to speak forthrightly in defense of the human rights we cherish, on those occasions when such rights are trampled upon by other governments, is quite another.

If Mr. Brezhnev be miffed by such a policy, so be it. We are willing to negotiate despite our philosophical differences with the oppressive clique that currently rules his land; but if he is not so inclined we should be both willing and able to survive without such negotiations as well. An arms agreement, even if otherwise desirable, is no bargain if it is purchasable only at the price of our silence on the very matters which we profess to be the ends of legitimate government, and which we contend set us apart from so many others in the course of human history.

I propose no program of senseless insults, nor do I recommend that we disregard considerations of the appropriateness of time and place in making our public pronouncements. In some areas, no doubt, Mr. Carter is well-advised to clear up his act: In particular, he needs to keep a tighter rein on the occasionally foolish impulses of some of his subordinates. But in the main, Mr. Carter's comments on human rights do not require greater carefulness. His remarks are moralistic, to be sure; but ours purports to be and is a Nation that cares deeply about the moral dimension of human affairs, especially on issues that involve individual freedom and responsibility. Mr. Carter's chastisement of the Soviets on this score reflects that concern, and deserves our approbation and support. □

CHURCH AND STATE
(continued from page 20)

deserving equal treatment with belief (in applying Virginia's constitution) would nullify any religious activity in the schools whatsoever.

The following year, in his plans for the state University of Virginia (which he served as its first rector from 1817 to 1826), Jefferson explicitly excluded the teaching of "divinity"—i.e., sectarian religion—but included required courses in natural theology and in the morality on which all sects agree.

In a report of 1822, Jefferson showed how far he was willing to accommodate the various religious sects at the new university. Noting the absence of courses in divinity, he admitted that man's relation to his Maker was of supreme importance to every human being, and that "The want of instruction in the various creeds of religious faith existing among our citizens presents, therefore, a chasm in a general instruction of useful sciences." To remedy this defect, Jefferson proposed that the various sects be permitted to establish their religious schools on the confines of the university and have access to university facilities, thus enabling students to attend the sect of their choice. (Padover, pp. 957-58) And two years later, these startling plans were even more startlingly modified in one respect, as the following university regulation written by Jefferson indicates:

> Should the religious sects of this State, or any of them, according to the invitation held out to them, establish within, or adjacent to, the precincts of the University schools for instruction in the religion of their sect, the students of the University will be free, and expected to attend religious worship at the establishment of their respective sects, in the morning, and in time to meet their school in the University at its stated hour. (Padover, p. 1110)

Jefferson's use of the word "expect" meant that he was, in effect, willing to compel students to exercise their religion freely—and we must presume that in making such provisions (reminiscent of school prayer, released time, and other recent cases) Jefferson was not ignorant of the non-establishment and free exercise provisions he himself had written into Virginia's constitution. Here, then, is a Jefferson (and a Madison, too, since both worked jointly on most of these enterprises) his more fanatic latter-day followers never read or heed—one little fit to be the high priest of absolute separationism, or the chief architect of an impervious wall between church and state. This Jefferson openly insisted on the crucial public importance of the belief in God and the morality—the rights and duties—derived therefrom. Both lower and higher public education, each in its own way, were charged with conveying these to the young, either through prayers and Bible-readings, or through natural theology (a philosophical teaching), the morality common to all sects, and the most relevant political writings. In addition, Jefferson was willing to have the state assist the various sectarian religions equally at the University—with public lands, public facilities, and an "expectation" that students attend for worship and instruction. This could only mean that Virginia's non-establishment rule did not bar such aid to all religions, thus confirming the definition of establishment proffered above. Finally, Jefferson never gave the slightest indication that in matters of this sort the rights of atheists or agnostics were being infringed. On the contrary, the public need for a philosophical and religious belief in God required an obvious public preference for religion over non-religion or irreligion, and this preference Jefferson did not think inconsistent with the legal protection afforded even atheists within free society. Here are the proposals of the man who did more for both religious freedom and public education in Virginia than anyone else (with the possible exception of Madison), who long before had written the Declaration of Independence, and who at one point, as the nation's chief executive, had spoken of a "wall of separation between church and State" erected by the First Amendment.

We are now prepared to examine Justice Black's interpretation of the establishment section of the First Amendment in *Everson* —an interpretation that to this day remains fundamentally unchallenged on the Court and rarely challenged off it:

> The "establishment of religion" clause of the First Amendment means at least this: Neither State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force or influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs, for church attendance or non attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions...In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and State."

Accept this passage as it stands and you are compelled to reject as unconstitutional every mode, however slight, by which government assists (or expresses) religion. Yesterday it was nonsectarian prayers and Bible readings, tomorrow (despite *Walz*'s makeshift ban on only "excessive entanglement") it will be tax privileges for religion, and, the day after, the mention of God in pledge, anthem, motto, and oath and in "God save this honorable court." Presidential inaugurations will no longer have ministers of various faiths participating, and presidents themselves will be warned against invoking God or His justice in their public statements. A time may come when some of the most moving passages from presidential addresses of the past, including those of Washington, Jefferson, and Lincoln, will be subjected by legalistic historians to the sternest censure, or even have their references to God excised as unfit for the gaze of neutral citizens. Finally, with perfect logic, the public schools will be forbidden to teach the Declaration of Independence, with its basis in a providential Creator, not as an historical document or a manifestation of patriotism but as what it purported to be: a declaration of rational truths. Could this

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Politicians find it easy to say "yes" to government programs designed to do good. Saying "yes" is particularly easy when the costs of these programs are unknown, and the apparent benefits immediate.

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have been the intention of the great man who gave us both the Declaration and the "wall of separation"?

In assessing Black's interpretation, it is hardly irrelevant to begin by mentioning the immense weight of precedent, from the inception of the Republic onward, favoring a great variety of connections between religion and government, even where non-establishment and religious freedom had been declared. But Black's hallmark explication fails on intrinsic constitutional grounds: in fact, its defects are so palpable as to make its renown all the more mysterious. A certain forgetfulness of history marks its very opening, for the First Amendment, by itself, can hardly be understood as binding on the states. Nor does Black see the illogic—the intrinsic impossibility—of construing the establishment part as a limitation on the states—an error caused by his failure to realize that half of its purpose was precisely to protect state establishments against Congressional interference. Moreover, his account of the establishment "clause" contains so many elements normally associated with "free exercise" as to make one wonder why the Framers found it necessary to add an additional "clause" on that subject at all. But its most important errors consist in identifying establishment as any connection with religion rather than as a preference among religions, and in implying, or stating in so many words, that banning it entails governmental neutrality between religion and irreligion (a conclusion drawn explicitly only later).

The Constitution, including the First Amendment, does not make religion a direct interest of the national government, but allows to the states such a direct concern, and even a preferential one. If the national government did anything to express or assist religion, it would be as a consideration instrumental or ancillary to one of its legitimate secular ends, and on a non-preferential basis. "In God We Trust" and equal tax immunities illustrate this principle, and they rest on the premise that belief in God and the role of the religions in furthering this belief, along with a certain morality, contribute to the secular well-being of the Republic. Similarly, if the national government did anything to restrict the free exercise of religion, it would have to be by compelling conformity, in conduct, to its own legitimate secular laws regardless of religious demands to the contrary. This principle is illustrated by the prohibition of Mormon polygamy in the Utah Territory and the denial of any constitutional right to conscientious objection on the part of conscripted religious pacifists.

It has been our contention that neither the First nor the Fourteenth Amendments gives Congress or the federal courts any authority over state actions in the area of establishment. State constitutions and state judges must be left to deal with the matter. Thus, questions of school prayer, released or dismissed time, state aid to parochial schools, state tax immunities, are entirely out of place in federal courts, just as they were prior to the Supreme Court's decisions of 1925 and 1940. As for their relation to anti-establishment provisions in state constitutions, let us look briefly at two of these issues—aid to parochial schools and school prayer. The former (whether on the state or national level) involves aid to the secular elements of the schools, which only indirectly has the effect of assisting the religions involved. But if citizens have a right to send their children to non-public schools, as they do, it is a question of educational policy as to whether such schools be brought up to certain standards or not, and hence whether aid to their secular components—qua education and not qua religion—be granted. The public has the right to assist education wherever it occurs, and on completely secular grounds (because of the secular good education does). It therefore has the right to aid parochial schools.*

Prayer and Bible-reading in the public schools hardly ever receive fair or adequate treatment at the hands of their opponents. They are simply regarded as efforts to foster the religion of the majority, whereas state legislatures have explicitly and properly defended them as essential ingredients of civic training. Good citizens are made, not born, and public education, whether with Thomas Jefferson or Horace Mann, has always made the preparation for active and responsible citizenship one of its primary goals. Should this preparation be wholly divorced from the religious background of the country? Are there not portions of the Bible that might be consistent with the views of all sects and useful in teaching the morality required of democratic citizens? It cannot be claimed that the duties taught by the Bible and those required by liberal democracy are identical, but a zone of intersection does exist, and the broad moral monotheism of the Bible does share similarities with the monotheism of the rights of man in the Declaration of Independence. In fact, in the minds of most Americans these two traditions are indistinguishably blended together in a unique mixture, with the God of the Bible serving as the same God who gave men their natural rights. And in the eyes of most Americans it is this emanation from God that endows the American system of government and society with its justness and goodness—in short, that hallows it. Why, then, should the national and state governments, each in way appropriate to its jurisdiction, refrain from calling upon, and strengthening, a connection with religion so vital to their well-being—i.e., to their secular good health and longevity?

In this country the Declaration of Independence systematically and strongly linked together the philosophical conception of God, based on reason, with the freedom and equality of men constituting the basis and aim of every just society. To see why God had to be introduced, simply subtitute for "endowed by their Creator with certain inalienable rights" the phrase "endowed by the process of evolution (or the blind working of nature) with certain inalienable rights." The whole notion of justice has no sufficient support if it is not anchored in a being from which it draws eternal status and strength. Now it is also true that the Declaration presents a somewhat one-sided view of free society, impelled as its authors were to emphasize the rights the British violated much more than the duties necessary to sustaining such a society, or the elevation necessary to ennoble it. Here, as Tocqueville later noted in 1831, was where Christianity could perform a signal service for the new Republic, after certain adjustments had been made in its austere other-worldly morality. Tocqueville did celebrate the general separation of church and state he found on both levels of government in this country, as Mr. Chapman reports. But what he found all around him on his visit was a sufficient separation, not the perfect separation Mr. Chapman and Justice Black seek, and he did not enlist himself in the cause of perfecting that separation by criticizing the numerous and varied interconnections that remained. He certainly would have opposed a completely secularized education for the young.

The question looming behind the constitutional questions in Washington's, Tocqueville's, and our own day is whether American democracy can be given a completely secular and non-religious basis. Washington had no doubt of the answer:

> Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Man and Citizens....And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that National morality can prevail in exclusion of religious principle. →

* Such aid will vary depending on the number of schools the various religions maintain, but to avoid the charge of establishment, aid to the distinctly religious elements of the religions must be non-preferential and precisely equal. Tax immunities on the state and national levels raise an interesting problem in this respect, for while there have been no positive grants of money to religions, there has been the negative kind of aid involved in these immunities. If such aid were actually proportioned to the amounts of property already possessed by the various religions, the amounts of aid would be unequal and hence an establishment of a kind. But to tell the religions that all their property (or property of a certain kind) will remain untaxed is to treat them equally, not unequally, despite the fact that if they were taxed they would have to pay very unequal amounts. To take nothing from each and every religion is in fact to regard them as equal religions rather than as property-owners characterized by different amounts of wealth.

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- **The Libertarian Scholars Conference.** An annual event that significantly helps to shift the climate of intellectual opinion in the direction of freedom.
- **A Research Fellows Program.** To arm young students of liberty with the knowledge they need to fight for a free society.
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- **An Educational Project.** To grant wider circulation to the ideas of individualism and the free market.
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Nor did Tocqueville:

> ...Despotism may govern without faith, but liberty cannot. Religion is much more necessary in the republic which they (the anti-religious republicans of the day) set forth in glowing colors than in the monarchy which they attack; it is more needed in democratic republics than in any others. How is it possible that society should escape destruction if the moral tie is not strengthened in proportion as the political tie is relaxed? And what can be done with a people who are their own masters if they are not submissive to the deity?

The central problem of democracy is that it tends to drive liberty and equality to extremes, and hence to destroy the moderation and lawfulness that alone can prolong its existence. Signs of such excess are all around us today: much general violation of law, an incredible crime rate, the decay in the sense of integrity and self-sacrifice, the spread of sexual laxity and vulgar hedonism, and a widespread yielding of citizen consciousness to the pampered vanity of the rootless individual. In these circumstances, a prudent legislator would hardly seek to reduce the resources at his disposal for making democracy more coherent and stable. He would do his utmost to find wise and constitutional means of inculcating that temperance, that sense of gratitude to ancestors and duty to posterity, that reverence for law, that love of moderated freedom dictated by reason and traceable in religion to the unyielding will of a good God. He would certainly not make a shibboleth of an absolute separationism that Jefferson himself shunned in his own day and would find wholly misguided were he facing the moral and political problems we face today.

Liberal democracy will do better if, as part of a generally revitalized program of civic education, common and memorable elements of the Biblical heritage are drawn upon to help bolster it and remedy its defects. But how will the religions themselves fare under this regimen? How have thay fared under it in the past? It is quite true that democracy's needs must cause it to employ those elements common to the various religions rather than peculiar to each, and useful to it rather than to them. The religions, in short, must continue to be concerned about a possible diminution of their own identity. On the other side, their central idea—the belief in God—will not be demeaned to a public equality with irreligion, they will not suffer an artificial disconnection from the life of the citizen in liberal democracy, and they will be accorded a publicly recognized equality among themselves that will promote mutual toleration and respect.

Nothing can be more manifest today than that the public mind needs to be set at rest, once and for all, on the place of religion in American public life. Acknowledging the "storm of public outrage" that followed the school prayer decisions (to which must be added the frenetic efforts at constitutional amendment that fell just short of the two-thirds majority needed in Congress), Mr. Chapman nevertheless plunges ahead for constitutional consistency in favor of absolute separation, regardless of consequences. These consequences—not simply in terms of public wrath but of practices now existing, varying in scope and import, that will have to be surrendered—he never fully pictures and hence fails to weigh. The prudential aspect of absolute separationism, applied with concrete effect here and now, never becomes a direct object of thought because Mr. Chapman is convinced it is constitutionally required and wise as a principle.

Fortunately, since overruling the large majority of the people on an extremely sensitive subject must always cause problems in a democracy, the case for absolute separationism, both constitutionally and prudentially, is weak. The right and wise way is neither sectarian nor separationist but in between, and the public has already been won to this position, allowing public expression and support to be given to religion in a non-sectarian, non-preferential basis. In a strongly Christian country this is already an amazing accomplishment, and should be appreciated as such. This friendly atmosphere should encourage the various religions to discover what they have in common that can be of use to democracy in a public setting. It should encourage intellectuals to reduce their suspicion of religion, and their frequently unthinking devotion to a dogmatic separationism. And it should encourage the Court to reconsider its erroneous view of the First and Fourteenth Amendments and reassure the country, both for its short-range concord and long-range prosperity, that it need never cease being "one nation, under God."

Mr. Chapman replies:

Mr. Lowenthal's essay is interesting and thoughtful, but ultimately unpersuasive. Much of it essentially recounts my own version, offering no new insights into the subject; and a good deal of it is devoted to examining the meaning and purpose of the free exercise clause, which is informative but irrelevant to a discussion of the establishment clause. I suggested in my article that Madison changed the phrase "rights of conscience" to the "slightly more ambiguous" term "free exercise of religion," but I doubt he regarded the change as significant; all his life he insisted that the clause protected both believers and nonbelievers. In any case, what the free exercise was intended to mean sheds little light on the separation issue.

It is hard to imagine how anyone could interpret the final wording of the First Amendment as a "spectacular defeat for Madison." It was closer to a partial victory: the Constitution included a strict prohibition of any state support of religion, but applied it only to the actions of the federal government. Madison relied on the existence of numerous sects to provide substantial (though not perfect) protection against state establishments. Mr. Lowenthal's suggestion that the term "establishment" refers only to state support of a single church or religion contradicts not only Madison's understanding of the term but that of the Encyclopedia Britannica which concedes parenthetically that such support can "conceivably [be provided to] more than one." Madison's most comprehensive statement of opposition to state supported religion, the *Memorial and Remonstrance against Religious Assessments*, grew out of his disapproval of a measure to provide public money to all of Virginia's denominations—convincing evidence that he interpreted the word "establishment" to embrace all forms of state support of religion, whether directed at one sect or all.

Mr. Lowenthal's discussion of the purpose and scope of the Fourteenth Amendment is simply confused. Significantly, he does not dispute my account of the intent of its Framers, chiefly Rep. John Bingham, who explicitly stated that the Amendment was meant to extend the prohibitions in the Bill of Rights to the states. Two of Mr. Lowenthal's points are erroneous. First, the First Amendment includes no mention of the states, and does not guarantee them any powers; it simply places specific restrictions on the power of Congress. Even if it had, that is no reason the Fourteenth Amendment could not incorporate the Bill of Rights to apply to the states: the Fourteenth Amendment supersedes the First Amendment as surely as the Twenty-First supersedes the Eighteenth. As Mr. Lowenthal certainly knows, anything in the original Constitution can be altered by amendment, and the Fourteenth Amendment altered the meaning of the First.

Mr. Lowenthal argues at some length to prove a point I made in my article, that Madison and Jefferson did not interpret the First Amendment to apply to the states. As I explained, the First Amendment was not originally meant to restrict the actions of the states with regard to religion; the prohibitions included in the First Amendment were applied to the states only by the ratification of the Fourteenth Amendment. It is quite possible, as Mr. Lowenthal contends, that Jefferson applied the principle of separation rather inconsistently, but that is no reason the Supreme Court should do so. The crucial point, as I said in my article, is that Madison and Jefferson "set down a clear and uncompromising principle," not that they applied it perfectly in all cases.

Mr. Lowenthal raises several awful prospects that he expects to result from the consistent enforcement of separation. The protection of the tax-exempt status is perfectly appropriate, since taxing churches would clearly violate the free exercise clause; such protection has not

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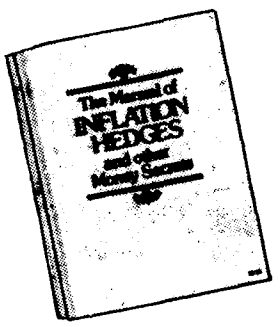

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thing to do with the establishment clause. I agree that the establishment clause, consistently applied, would require the elimination of references to God in oaths, mottos, and the like, but that prospect does not horrify me. Mr. Lowenthal's prediction about how the Declaration of Independence might be taught is impenetrable—I have no idea what he is trying to say.

The social ills Mr. Lowenthal blames on the separation of church and state are serious, but I doubt they would be cured, or even ameliorated, by allowing prayers in public schools. Given the increasing numbers of irreligious people in our society—a phenomenon I regret as much as Mr. Lowenthal does—allowing such observances in public institutions would create some highly troublesome frictions in communities across the country. Mr. Lowenthal goes on to accuse me of "plunging ahead for constitutional consistency," a charge I cheerfully plead guilty to. He apparently sees constitutional principles as akin to eggs—made to be broken. No doubt there may be some benefits in violating the establishment clause, just as the nation might profit by suppressing Mr. Lowenthal's right to free speech. That is why the Framers included such provisions in the Constitution, rather than protecting them by statute: they wanted to guard against the sort of short-sighted, willy-nilly abridgment of certain rights and protections that popular opinion might occasionally demand. Mr. Lowenthal, who should know better, sees nothing wrong with violating constitutional guarantees when there is something to be gained by it. I prefer to side with Madison, who insisted "it is proper to take alarm at the first experiment on our liberties." □

A WORLD WITHOUT RUSSIANS
(continued from page 4)

adhered to a memorably stultifying foreign policy, and all indications are that things will not be improving soon. Ardently emitting sweet vaporings about "stable world peace" as though they defined a reality rather than an aspiration, our leaders have apparently been oblivious to the energetic activities of the Soviets and their proxy forces all over Africa, the Middle East, and, of course, Southeast Asia. Today they maunder about normalizing relations with Cuba, North Korea, and North Vietnam; though the Cubans have been conducting hostile operations in Angola, South Yemen, Somalia, Ethiopia, the Spanish Sahara, and Mozambique, and though during the 1973 Middle East war the North Koreans flew combat sorties for the Syrians and joined with the North Vietnamese to man Syrian air defenses. The Soviets and their proxies have been shipping arms to guerrilla bands in Angola, Mozambique, Dhofar, and to the Polisario Front in the Spanish Sahara. Yet Washington directs its complaints at such minor international boors as the Brazilians, the Argentines, the Chileans, and the South Africans. Mr. Carter's exhortations for respecting civil liberties are salutary indeed, but tyranny is not the USSR's only unappealing quality. They continue to arm every thug on the globe so long as he shows a glimmer of interest in the Marxist whim-wham. Further, they rush ahead with gigantic civil defense projects and with a military build-up that strongly suggests that they are attempting to achieve nothing less than a war-fighting, war-winning posture in strategic weaponry.

Obviously, maintaining a military posture of mere sufficiency or parity is not as chic in the USSR as it is in so many Western think-tanks. Since the middle sixties the United States has done little to expand its strategic capacity, but the Soviets have greeted our unilateral arms limitation with one of the most vigorous armaments drives in history. Since 1966 the United States has not deployed a single new strategic system, nor will it until 1980 when the first Trident submarines become operational. On the other hand the Kremlin has been arming to the teeth. In 1969 the Soviets attained numerical equality with the American ballistic missile force, and by 1970 they had nearly 250 more missiles than the United States. They have four new types of intercontinental ballistic missiles in production—the SS-16, SS-17, SS-19, and the huge SS-18, a missile that is only of value to a nation seeking a first-strike capability. By 1972 the Soviets' nuclear submarine force had expanded beyond the size of the American force, and the Soviets continued to expand it in 1973 by introducing a new submarine armed with a missile larger than our advanced Poseidon. In 1976 still another Soviet submarine appeared. Then too the Soviets have developed the Backfire bomber and MIRVs. Their conventional land force is larger and as well equipped as the American force, and for the first time in history this land power is developing a world-wide naval capacity.

Think of it, the USSR is a country clinging to a standard of living comparable to that of Appalachia! Its rate of productivity growth has dwindled to one percent. Almost nothing functions smoothly including the secret police, and yet the comrades are frantically building a military machine larger and more expensive than any on this earth. What do you suppose they are up to? Could this expenditure be merely a vast public works program to put a little boom into their drowsy economy? Is Papa Brezhnev a subscriber to *The New York Review of Books*, and has he fallen for their lurid line on American ferocity? Or is it possible that the Soviets have decided to develop a military capability suited to the truculence of their rhetoric? That is the conclusion that comes relentlessly to my mind, and to avoid such a conclusion takes either a loony genius or a failure of will. As I see it the advocates of revolutionary diplomatic departures are victims of a decaying will to govern. They compose much of the Washington establishment, against whom Mr. Carter railed last summer. If he successfully spurns their cynicism and defeatism he will have provided the Western democracies an inestimable service, though if I were to put my money on it I would wager that the decay runs too deep. □

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Pristine Pleasures

My one and only review (of Bill Buckley's book *Airborne* [January 1977]) has brought me some harsh words from a gentleman in San Francisco who deplored my suggestion that Bill had invented the word "repristinate."

He gave me long, long proof that I was *totally* wrong but I tried to redress the situation last night with Bill when, thanks to many helpings of the local wine, we "*de*pristinated" several glasses together!

David Niven
Chateau D'oex, Switzerland

More on Church and State

Seldom have I read an article concerning the First Amendment as informative and as unfettered by emotive bigotry as Stephen J. Chapman's "Disconnecting Church and State" (February 1977). His well-documented and clear-headed analysis is commendable; however, the article and especially its conclusions are not above criticism. Apparently, Mr. Chapman began his research with some predetermined assumptions which worked to the article's detriment.

Mr. Chapman takes a very selective approach to American legal history. Accordingly, only those cases which support public aid to students seeking a parochial education "suffer from inconsistency and a limp reluctance to offend." Only when Justice Black in the *Everson* case upholds New Jersey's law which reimbursed parents for bus fares to send their children to parochial schools, after having declared a forceful separatist constitutional interpretation, is he considered to have shown a "lack of rigor" in his logic. His logic fits together well, considering Black's argument which further stated that, "The state cannot exclude individual(s)...because of their faith, or lack of it, from receiving the benefits of public welfare legislation." Following Mr. Chapman's relentless logic, one is forced to ask if the unbreachable wall of separation between church and state renders municipal police and fire protection to religious groups unconstitutional, since he obviously considers other forms of public assistance to religious institutions an infraction of the law. Should a city fire department allow a blazing church building to burn to the ground? Why not? If the benefits of publicly purchased textbooks ought to be utilized by every student with the exception of those attending parochial schools, what within the single criterion of absolute separation justifies public fire protection of religious buildings?

Although Mr. Chapman was assumedly as objective as possible, the significant *Zorach* case (1952) was left embarrassingly unmentioned in the article. Almost identical to the "landmark" *McCollum* case (1948), *Zorach v. Clauson* concerned an arrangement whereby the City of New York allowed children in public schools to be released from classes once a week in order to attend religious instruction off the school grounds at centers of their parents' choice. The only real difference between the *Zorach* and *McCollum* cases was that the location of religious instruction in the former was not on public school grounds. The Supreme Court upheld this practice of New York with a six-to-three majority. Writing the majority opinion, Justice William O. Douglas reaffirmed the religious foundation of the American political order:

> When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public services to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who believe....We find no constitutional requirement that makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence.

Mr. Chapman's interpretation of the Constitution implicitly denies the second clause of the First Amendment which guarantees us our religious liberty. What is clear in Mr. Chapman's article is that in order to exercise their religious liberties many citizens must pay for the secular schools they wish their children not to attend, while paying the high tuitions of parochial education, and simultaneously be denied the benefits of safe public transportation for their children, for which they have been taxed, "free" textbooks, for which they have been taxed, and student health services, for which they have been taxed. The fundamental issue involved here is not that America wishes to separate church from state; rather it is that the state wishes to separate its citizens from their religious institutions by making the continued existence of parochial education virtually impossible.

R. Cloud, Jr.
St. Louis. Missouri

Mr. Chapman replies:

Mr. Cloud is mistaken in suggesting that I began my research already committed to the point of view reflected in my article. In fact, I originally suspected that in prohibiting any aid to parochial schools and banning prayer from public schools, the Supreme Court had gone further than it should have, and only a great deal of study persuaded me that my suspicion was wrong. The accusation of "relentless logic" is no doubt intended to be pejorative, but I accept it as a high compliment.

I don't quarrel with Justice Black's opinion that the state cannot exclude people from the benefits of public welfare legislation because of their religious beliefs: I simply believe, as I said in the original piece, that the law upheld in the *Everson* case was not an example of such legislation. The law which provided for reimbursement of parents for the costs of the bus transportation needed to send their children to parochial or public schools was clearly aimed at helping Catholic schools and parents, since other private schools, religious or secular, were excluded. The Court's decision in the textbook case was mistaken because the books were chosen not by the students or the state, but by the schools; the law was simply a clever ruse to circumvent the establishment clause. If a state wants to pay for bus transportation to all schools for all students or to provide the same textbooks to all students—without the interference of religious schools—it would not be in violation of the principle of separation. Such public welfare measures, like police and fire protection, are perfectly legitimate.

There is a clear and substantial difference between the *Zorach* and *McCollum* cases: in the latter, religious instruction was provided in the public schools, with the active assistance of their administrators, while in the former, students merely were released from school so they could go elsewhere to receive religious instruction. Under this "released-time" practice, as Justice Douglas said, "the public schools do no more than accommodate their schedules to a program of outside religious instruction."

I disagree with Mr. Cloud's argument that strict enforcement of separation interferes with the free exercise of religion. The public school system is widely accepted—correctly or not—to have important benefits for all citizens, not only those who attend public schools. The fact that parents who prefer to send their children to parochial schools are nonetheless required to help pay for the public schools is a regrettable circumstance of our republican form of government, in which a great many people are taxed to pay for things they don't want and from which they receive no direct benefits. It is probably true that high taxes prevent some parents from sending their children to parochial schools, but the villain is high taxes, not the principle of separation. □

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CURRENT WISDOM

Time

Media bias at its most insidious as practiced by *Time*, a key journal in the One-World Conspiracy:

...*The Alternative*...one of the nation's most energetic and sprightly journals of opinion....In appearance *The Alternative* might be taken for a Department of Commerce bulletin printed on white bread, but its opinions are couched in some of the liveliest prose since the passing of H.L. Mencken....if *The Alternative* has a guiding philosophy, it is little more than a disgust for hypocrisy, utopian social engineering and bad writing.

[*March 7, 1977*]

Ms.

Inspirational declaration from a *Ms.* metaphysician:

I am a mature, middle-aged woman and a terminal heterosexual, but politically I have always considered myself a lesbian.

[*March 1977*]

Quest

Bewitched by visions of the sublime and the beautiful, authoress Francine du Plessix Gray chisels out an artistic manifesto as timeless as Greenwich Village poet Carlo Henderson's 1953 lilt "Urine in My Toothpaste":

If art has any effect upon society, I would wish for heroines who are self-actualizing and risk-taking yet who remain capable of the infinitely more complicated process of loving and of being loved; for more heroines who war against *all* sexist mythology; for more of those women who in their 40s have the courage to start a degree in anthropology or spend a month in a Trappist or Zen monastery, and take the risk of losing some shelter in their search for metaphysical truth.

[*March / April 1977*]

St. Louis Globe-Democrat

A breath-takingly percipient essay into the polity of progressive Cuba from the typewriter of Miss Sally Quinn, an American Tocqueville:

An attitude of sexuality is as pervasive in Cuba as the presence of Fidel Castro. You can feel sex in the atmosphere, on the street, in conversation, in people's actions. The Cubans seem to be thinking of it much of the time. And it necessarily colors their thinking. It is very Latin, without the old traditional cultural censorship. The women are openly involved.

This is why, to understand Communism in Cuba, the difference in their political and ideological concepts, it helps to understand the nature of their sexuality.

And to understand Cuba it helps to understand Mohitos. They have these drinks in Cuba. They call them Mohitos. Rum. Soda. Sugar. Lime juice. A sprig of mint. Everyone drinks them.

It changes everything. Two or three Mohitos and you begin to understand. You begin to see more clearly. Yes, Cuba is a Communist country. But laid back. Very laid back.

[*March 26-27, 1977*]

The Great Books Series

Urban sophisticate, Tony Hiss, son of Alger and full-time scribe for the *New Yorker*, encapsulates a life full of achievement:

I started meeting lots of people who enjoyed their lives; I met a nice girl and was able to f---her; I got to be good friends with Al, even showing up on time when we had lunch; I founded *The Real World* magazine with my friend Stephen Shore, the photographer; I traveled; I bought new clothes and wore aviator glasses instead of hornrims; I started going to a good barber; I wrote a book with my friend E.M. Frimbo, the world's greatest railroad buff; I grew a mustache; I started growing roses on West 10th Street. Things like that. These things took a few years—something like five or six—to happen but they all happened. Last year I even got a driver's license—to me a miracle. So what changed my life? Well, part of it was I finally got to know my dad, and he turned out to be Al rather than anybody else. But the main thing was just realizing what most people get around to realizing sooner or later. I'm alive, and I can do things, so what else is there to do but live and do things? Because you never know how long you've got to enjoy it. Which is true whether your father is Dick Nixon, Whit Chambers, Al Hiss, or any man or Disco Duck.

Laughing Last
by Tony Hiss
[Houghton Mifflin Company]

Publishers Weekly

Robert Ludlum, author of that towering work of art *The Rhinemann Exchange*, along with other post-existential masterworks, heaves up a pronunciamento and a *yelp de coeur*:

Ludlum is dead serious in concocting the entertainments that make him a best seller. "There's a shift to conservatism all over the world," he said. "I believe the world is going infinitely beyond conservatism and communism to fascism—it's the child of the Nazi. In my own modest way I'd like to proclaim it to the whole goddamn world.

"I'm paranoid," he acknowledged, adding: "I hope it doesn't interfere with my stories."

[*February 21, 1977*]

Rolling Stone

Mr. Jeff Maxwell steps forward on the correspondence page of *Rolling Stone* to serve notice to the Plutonium Barons. Prithee, Lord, that Jeff is not too late!

The murder of Karen Silkwood (RS 230) was the last shove to get me off my ass to do something to stop the plutonium barons.

I play electric music—I probably have used power which was generated by a nuclear plant. So my decision to use more power—however small an amount—has rotten karma hanging with it, but not by my will.

I resent being forced into the role of a nuclear consumer, but at the present rate of proliferation of nuclear technology...ain't none of us gonna be worryin' about it too much longer.

[*March 24, 1977*]

Washington Post

Proof of renewed enthusiasm for the legal code of medieval Germany from feminist lawyer, Florynce Kennedy, long-time advocate of trial by ordeal and compurgation:

Florynce Kennedy, a New York feminist attorney, called Uganda President Idi Amin "an outstanding figure" at a Yale Law School conference in New Haven Saturday.

Kennedy said that much of the public criticism of Amin can be traced to the attitude that "if a black person is in charge of a country, he isn't really supposed to be in charge." Commenting on charges that Amin has directed the killings of thousands in his country, she said: "Sovereign governments are in the process of killing people all the time." As to the alleged murder of Anglican Bishop Janini Luwum, she said, "The men who died in Vietnam aren't any less dead than Bishop Luwum."

[*February 28, 1977*]

WomaNews

An historic moment in the heroic life of Janis Mara as reported by Janis Mara herself in booming Gainesville's feminist newspaper, *WomaNews*:

I started out women-oriented in the first grade. My Best Friend was Wendy, a third grader. When I fell on the blacktop and tore up my knees, she picked out the gravel and sprayed the wound with Bactine.

In the warm Indian summer of Connecticut, Wendy and I walked up and down the narrow curbs, with our arms around each other, holding each other up.

One day a sixth-grade boy tried to drag Wendy off the swings, yelling, "Get down, girlie!" I flew at him, and left a perfect impression of my front molars punched into his forearm. Blood oozed up like water welling from a hole dug in beach sand.

If that's not woman-oriented, I don't know what is!

[*February 1977*]

The Great Books Series

A monumental moment in the intellectual history of the West, recorded by the eminence who experienced it, the planet Earth's own Charles Reich:

Something began to happen to me on my College Avenue walks. At first it seemed to be by courtesy of Mr. J.K. Galbraith. His book *The New Industrial State* caught my interest and excitement. I never felt free to mark up books even if I owned them. But now I began underlining and then started writing notes and ideas in the margin.

...For this was my Turning. Let something happen to me, let something softly caress me. Be soft, be quiet, be open, be helpless, be still. I am soft, small, open, vulnerable, gentle. I want to be held and stroked and petted and ruffled and cuddled and tickled and cooled and warmed and held tightly.

The Sorcerer of Bolinas Reef
by Charles Reich
[Random House]

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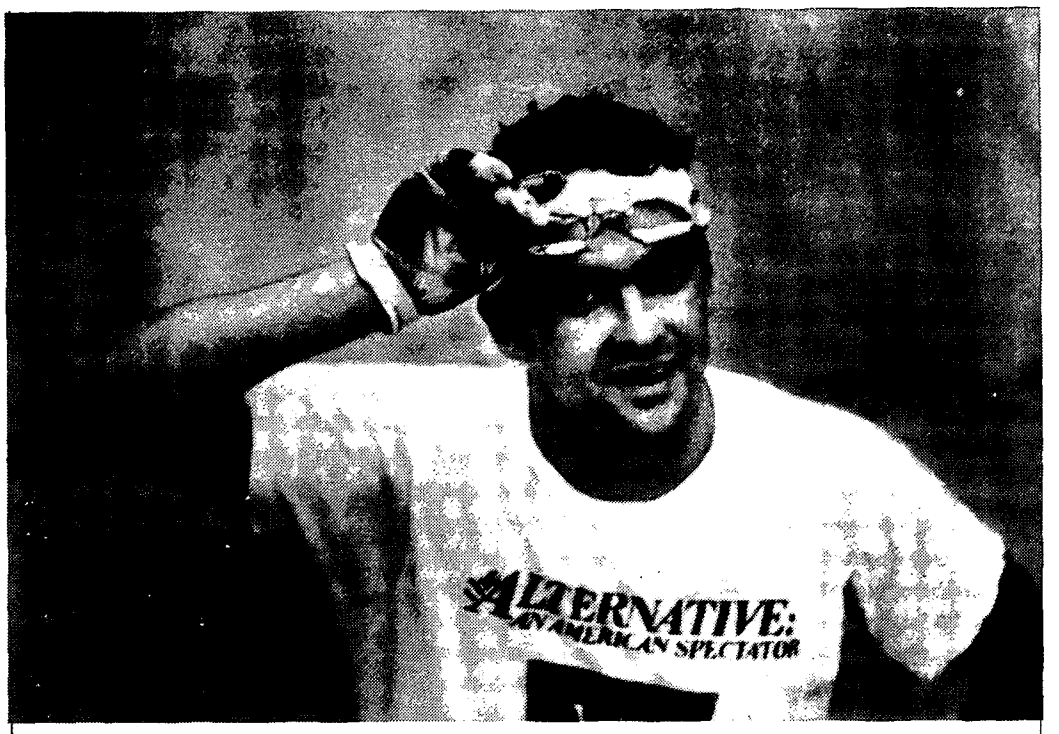

As featured in *Time* magazine!

R. Emmett Tyrrell, Jr., editor of The Alternative
"...he lives in country-gentleman comfort."—*Time*, March 7, 1977

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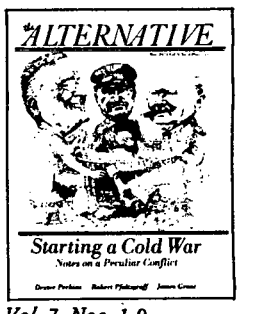

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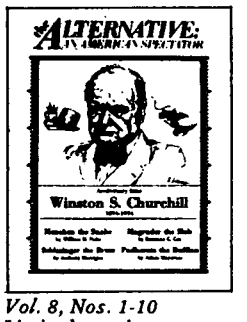

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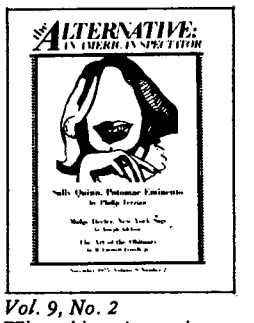

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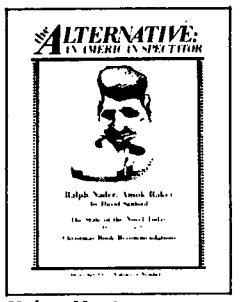

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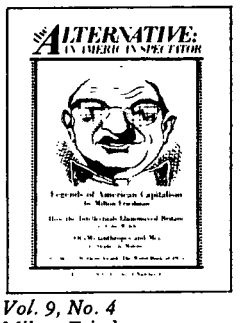

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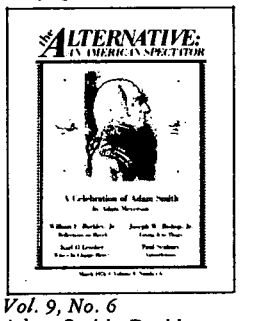

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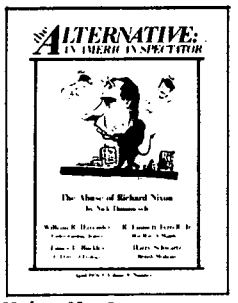

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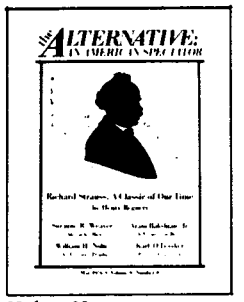

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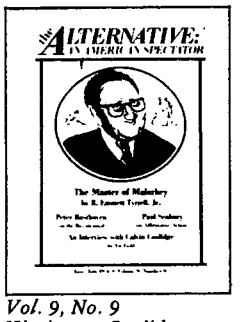

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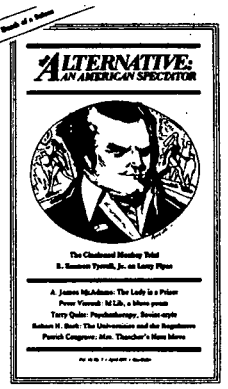

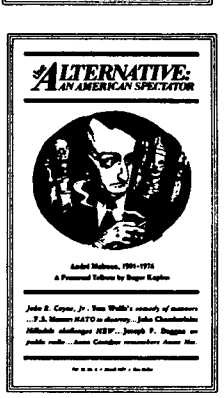

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